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ABSTRACT

Issued by the Commission on the Bicentennial of the United States Constitution, this collection of instructional materials is designed to help teach about the United States Constitution. The documents include: "Plant a Living Legacy"; "Teaching Guide to Accompany United States Presidents, 1789-1989"; "Skills Handbook: 200 Years of the U.S. Congress 1789-1989"; "Skills Handbook: Happy 200th Birthday, The United States Congress"; "Educational Programs of the Commission on the Bicentennial of the United States Constitution"; "To Establish Justice"; "200 Years of the Judiciary, 1790-1990"; "Equal Justice Under Law"; (A Pocket) Constitution of the United States; "With Liberty and Justice for All"; "Skills Handbook: Happy 200th Birthday, The U.S. Supreme Court"; and the March 1990 Newsletter of the Commission on the Bicentennial of the United States Constitution. Oversize replicas of the U.S. Constitution and Bill of Rights have not been reproduced here. (DB)

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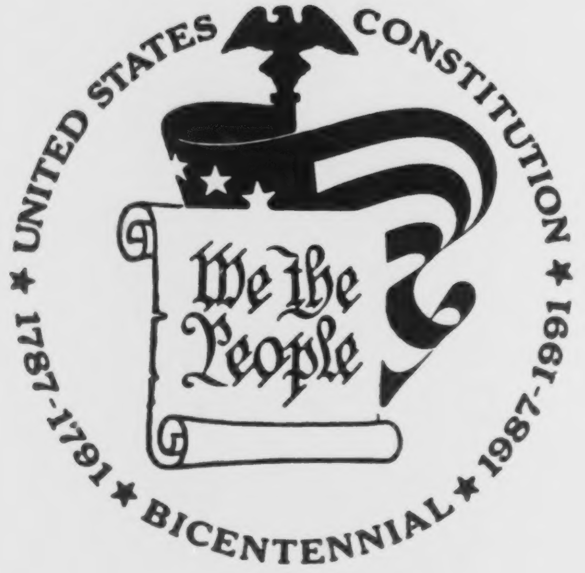
UNITED STATES CONSTITUTION
We the People
1787-1791 ★ BICENTENNIAL ★ 1987-1991

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COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

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UNITED STATES CONSTITUTION
1787 1791 ★ BICENTENNIAL ★ 1987 1991

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We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

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Dear Fellow American:

On September 17, 1987, our Nation will celebrate the Bicentennial of the signing of the United States Constitution. We will commemorate this important event in many ways, for our diversity is our greatest strength. Through speeches, ceremonies, and reenactments we will honor the greatest symbol of our American heritage.

You can help commemorate the Bicentennial of our Constitution--the oldest in the world--in a meaningful and lasting way by planting a Living Legacy. Through establishing a new garden, restoring an existing park or garden, planting some trees along the avenues in your community, etc., you can create a living tribute to this historic occasion that will return benefits to you, your family, and later generations.

Living Legacy parks and gardens across the Country will become links to both the future and the past. Today, the only remaining living witness to the signing of our Constitution are trees. The famous Wye Oak growing in Maryland at the present time, for example, was already two centuries old when our Founding Fathers gathered in Philadelphia to write the Constitution.

Give a gift to your community by organizing or participating in a local Living Legacy project. This publication will give you some ideas and help in getting started.

As we plant each Living Legacy, let us be reminded of the great sacrifices made on our behalf by Americans who lived in seasons past, and let us constantly be renewed in our respect for the Constitution in each new season that comes before us.

Lindy Boggs
Cornelia G. Kennedy
Fred Biebel
Phyllis Schlafly
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Thomas H. O'Connor

PLANT A LIVING LEGACY
TO THE UNITED STATES CONSTITUTION

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OUR LIVING HERITAGE

During the writing of the United States Constitution in 1787, Bartram's Garden in Philadelphia, founded by America's first recognized botanist, John Bartram, hosted a visit by Constitution Convention members. Together with George Washington, John Adams, and Benjamin Franklin, William Bartram planted various species of trees. Some of those trees remain, a living legacy and reminder of the establishment of our Constitution.

Our Founding Fathers knew the value of plants. George Washington planted both trees and flowers at his estate in Mount Vernon. Similarly, Thomas Jefferson's home, Monticello, is still adorned by the gardens he established, that have since been restored. Many of the original trees planted by Washington and Jefferson survive today as "Living Legacies" to their love for plants and their respect for the beauty and bounty of nature.

As our Nation matured, so did its landscape, both in rural and urban areas. The old market squares of

John Bartram Association

Bartram's Garden, Philadelphia, Pennsylvania. Home of America's first native-born botanist, John Bartram, and site of the oldest surviving botanic garden in America.

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Many citizens and organizations have become actively involved in projects to preserve and beautify our national landscape.

Europe became the town commons of New England and the Courthouse squares of the Midwest. The westward movement of wagon trains caused the prairies to give way to hedgerows and crops. In the arid West, barren lands were made productive by transporting precious water. Irrigation created new farmlands and made possible the planting of parks and gardens.

AS OUR NATION MATURED, SO DID ITS LANDSCAPE

The flood of immigrants and the Industrial Revolution transformed cities, causing urban dwellers to lose touch with their rural heritage.

Recognizing this, Frederick Law Olmsted, the father of landscape architecture in the United States, designed city parks to provide beauty and respite from the pressures of city life.

Around the time of the Constitution's Centennial, many cities began to establish municipal gardens and parks, and the first National Parks were created to protect our great scenic wonders.

Today, some of the green oases created by earlier generations have been lost to development, and others are sadly neglected. Fortunately, many citizens and organizations have become actively involved in worthwhile projects to preserve and beautify our national landscape. The forthcoming Bicentennial provides a unique opportunity to enlist the great American spirit of public service by encouraging citizens to develop planting projects in their own communities that will become new Living Legacies to the United States Constitution.

PROJECT REQUIREMENTS

Each planting project selected as a Living Legacy must meet four basic requirements:

1. It is dedicated to honor the Constitution.
2. It serves a community need.
3. It is located on public land or on private land that is regularly open to the public.
4. Its sponsors must demonstrate a firm commitment that the project will be given long-term maintenance.

NCTRH

Properly designed adaptive gardens with raised garden beds and accessible walkways can enable all persons to enjoy gardening.

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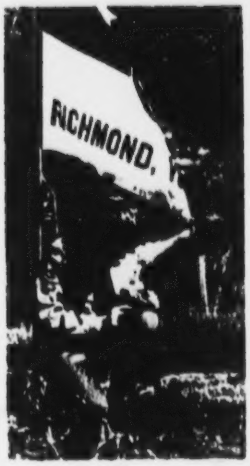


PROJECT IDEAS

With these basic requirements in mind, citizens are encouraged to use creativity in developing a Living Legacy project. The project should be designed to fit the setting, and both modest and large-scale projects are encouraged. Don't be afraid to be bold—make your project that honors our Constitution unique. Where appropriate, use special effects such as dramatic lighting, fountains, or waterfalls. Here are just a few ideas you might consider for a project, including several examples of similar small and large projects that have been sponsored in past years by other communities and organizations:

Urban Beautification Projects

Create a new "Constitution Park." Develop a new park and name it after the Constitution, or in honor of one of the delegates to the Constitution Convention.

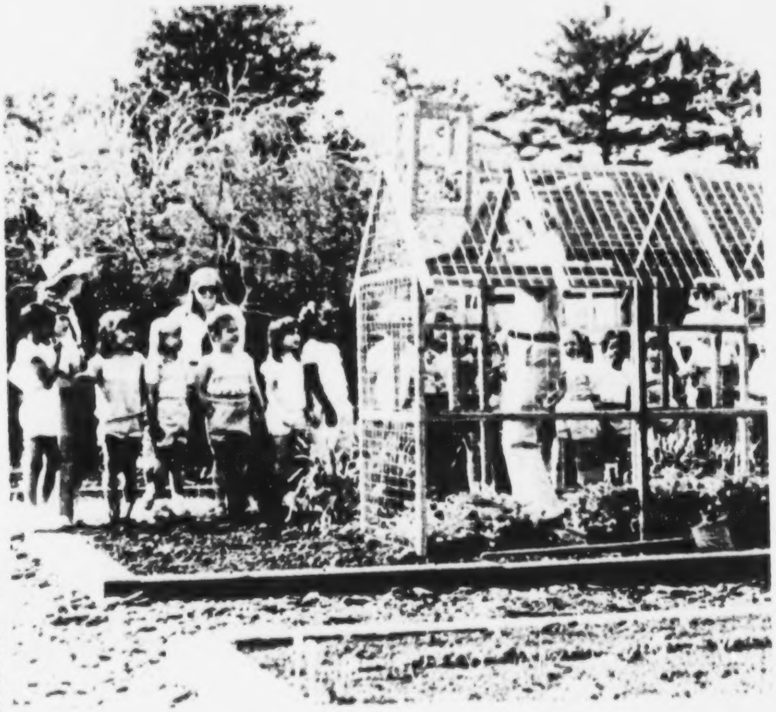
YOU CAN BE THE PERSON WHO ORGANIZES A LIVING LEGACY PROJECT

Adopt a Neglected City Park. In Cincinnati, Ohio, Friends of the Park adopted 100 year old Adult Park and are restoring and maintaining its gardens, while also raising funds to renovate a pavilion that was once a popular dance site.

Install Planters for Annuals Along with Lighting, Awnings, Benches, and Other Street Furnishings for Public Areas. Downtown Denver, Colorado; Baltimore, Maryland; Leesburg, Virginia; and Madison, Wisconsin, have created interesting and hospitable new public spaces in this way.

Plant Colorful Annuals and Shrubs on Traffic Islands and Other Public Spaces. Citizens of Towson, Maryland, persuaded a local nursery to donate plants, and a landscape architect created a design for several spectacular blocks around the entrance to the community.

Refurbish the Town's Courthouse Square or the Grounds of Public Buildings. Hospitals, community centers, post offices, schools, churches, and libraries are good project sites.



Drew Williams

River Farm Children's Garden, American Horticulture Society, Mount Vernon, Virginia.

Reclaim a Vacant Lot and Transform it into a Vest Pocket Park. A neighborhood group in the Adams Morgan area of Washington, D.C., adopted a space where a building had been demolished. With help from a designer they planted and maintained a small park.

Create a Botanic Garden. The garden clubs of Omaha, Nebraska, are working toward developing a community botanic center.

Tree Projects

Plant Street Trees. Plant new stands of trees in such areas as historic districts, around civic buildings, and on streets named for delegates to the Constitutional Convention, such as Washington, Madison, Franklin, and Adams.

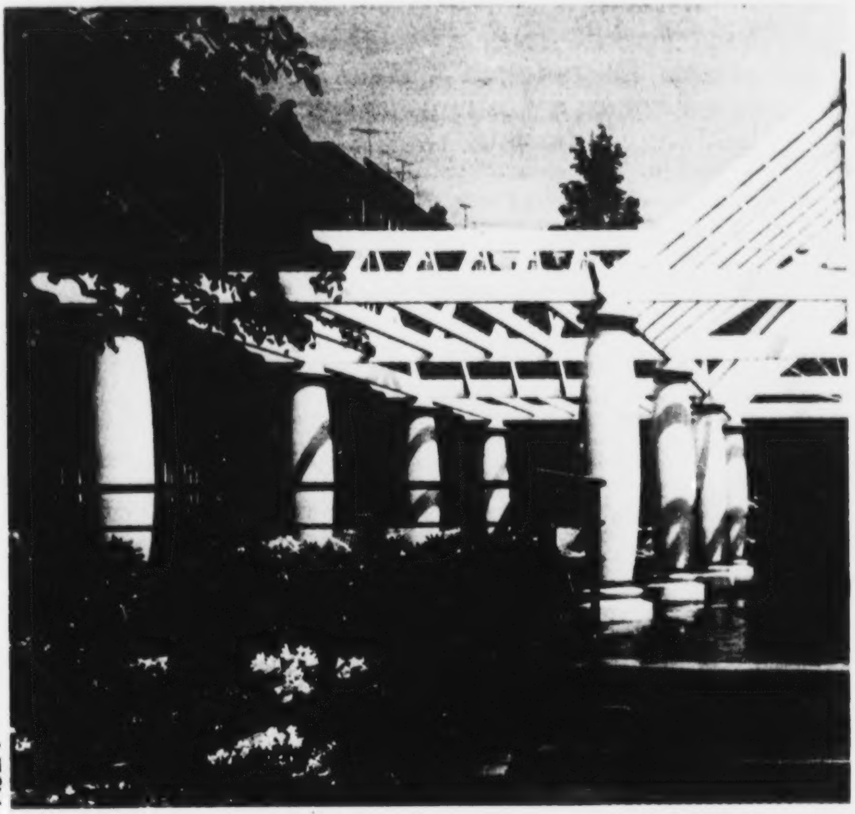
Inventory Street Trees and Replace those Lost to Disease. A tree inventory will help provide a community with valuable information about the condition of its urban or rural forest. A maintenance and replacement plan can be developed based on this information.

GIVE A GIFT TO YOUR COMMUNITY BY ORGANIZING OR PARTICIPATING IN A LOCAL LIVING LEGACY PROJECT

Plant a Living Snow Fence or Windbreak. A row of trees planted along a road will prevent snow drifts by catching the snow before it reaches the road. A living snow fence saves money on road repairs and snow removal. Similarly, by planting shade trees on the southern side of buildings and evergreens on the northern side, building temperatures can be moderated in summer and winter.

Create an Arboretum for Educational Purposes. Landscape architecture students at the University of Kentucky developed a master plan for a 100 acre arboretum on campus. The Board of Trustees approved the concept and has set aside the area for this purpose.

Plant Trees in Local or National Parks, Forests, or Other Public Areas. Contact the proper authorities for permission and guidance. Feature some native trees in plantings as they require less maintenance, are hardier, and reflect the qualities of durability and strength as does our Constitution.



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Recognize and Provide Care for a Living Witness to the Birth of the U.S. Constitution, a 200–Year–Old Tree. Provide for care of 200–year–old or older trees on public property, or on private property with public access. An example would be the Wye Oak in Wye Mills, Maryland. In 1976, this tree was recognized as a Bicentennial Tree by the National Arborist Association and the International Society of Arboriculture with a plaque and dedicatory ceremony. Since then, it has received care from members of the Maryland Arborist Association.

Special Theme Projects

These projects by their nature require considerable expertise and guidance from professionals. They also tend to require a longer research and planning phase. However, the rewards and satisfaction offered by any of these projects are great.

Sponsor a Children's Garden. An elementary school class could plant a garden with easy–to–grow

City-owned Longfellow Garden, South Bronx, New York, was designed as an oasis in the inner city by landscape architect Lee Weintraub based on ideas from local residents.

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annuals such as sunflowers and popcorn. A clubhouse could be constructed of wood or chickenwire covered with morning glories and other vines.

Plant a Garden or Park for the Elderly or People with Disabilities. Properly designed adaptive gardens with raised garden beds and accessible walkways can enable all persons to enjoy gardening. A "scent" or "touch" garden could be planted for persons who are blind. Garden clubs in several states have completed such gardens and could provide advice on similar projects.

Recreate or Maintain a Historic Garden. At the William Paca House in Annapolis, Maryland, many local groups combined efforts to recreate an 18th century garden as depicted in paintings and documents related to this famous house. Meanwhile, colorful colonial gardens located in Independence Park in Philadelphia are maintained each year by volunteer groups of senior citizens.

Inventory Historic Landscapes in the Community as a First Step Toward Sponsoring a Restoration Project. Inventories and restoration of parks designed by Frederick Law Olmsted and other notable landscape architects have been undertaken in Boston, Massachusetts; Seattle, Washington; Baltimore, Maryland; New York, New York; and Hartford, Connecticut.

MAKE YOUR PROJECT UNIQUE

Plant a Heritage Garden to Preserve Genetic Diversity. In the days when families raised their own food, they saved seeds from year to year. Today, large seed companies sell only a limited variety of cultivated seeds. A heritage garden could be planted using traditional varieties of fruits, vegetables, and flowers, and could demonstrate seed storage methods used by our forefathers. Organic gardeners are a good source of information for this type of project.

Plant an Ethnic Garden. In communities with a strong ethnic heritage, gardens featuring traditional food plants, garden styles, and traditions could become a focal point for local celebrations and continuing education. For example, a German-American Friendship Garden is being established in Washington, D.C., for the tricentennial of German immigration to the United States.

Plant a "Great Tree of Peace." The Confederacy and Constitution of the Iroquois Indians, symbolized by them as "The Great Tree of Peace," were in place on this continent before Europeans arrived. Our democracy bears striking resemblance to the Iroquois system of government, and Native Americans are gaining recognition for their contributions to our political system and heritage. The first "Great Tree," a white pine, continues growing at Onondaga, New York. Planting a "Great Tree of Peace" as a Living Legacy project would show respect for the Native American roots of our Nation.

YOU CAN CREATE A LIVING TRIBUTE THAT WILL RETURN BENEFITS TO YOU, YOUR CHILDREN, AND LATER GENERATIONS

Restore or Preserve an Historic Cemetery or Gravesite. Identify the graves or cemeteries containing the remains of historic persons who contributed to the founding and development of our Nation. The Daughters of the American Revolution erected a marker at Rock Creek Cemetery in Washington, D.C., honoring the gravesite of Abraham Baldwin, one of the signers of the United States Constitution. The gravesite mark originally placed in 1943 was rededicated at a ceremony in 1986.

Natural Area Projects

Preserve an Important Natural Area. Locate and preserve a natural area such as a wetland, grove of virgin timber, or habitat for an endangered species. Organizations such as the Nature Conservancy and the National Audubon Society have such programs underway.

Identify and Preserve Remnants of Native Prairie. Chapters of the National Audubon Society in Illinois searched abandoned pioneer cemeteries, railroad rights–of–way, and corners of farm fields for prairie remnants. Once located, projects to reseed the areas or maintain them were undertaken.

Plant Wildflower Parks. The National Wildflower Research Center is encouraging the planting of wildflowers in public areas because wildflowers require little maintenance and water, thus they are economical and energy conserving.

In many states, the Federation of Garden Clubs is working with state departments of transportation to plant native species.

PROJECT DEVELOPMENT

YOU can be the person who organizes a Living Legacy project that will become a beautiful asset to your community for many years to come.

There are some important steps to be followed in getting any public project off the ground and seeing it through to a successful conclusion. Here are suggestions you might use to motivate your community to sponsor its own Living Legacy to the Constitution:

Get Some Ideas

Check with your local public works or parks department to get some project suggestions. Nearly every community has a "wish list" of projects that are on hold because of inadequate public funds. In any event, you will probably need permission to work on public property, and there may be safety requirements and other regulations affecting volunteers who work on public land that you should know before proceeding with your project. You might also contact your State Bicentennial Commission (see Additional Information on page 21) and your local Commission (if one exists) to determine if other groups in the community are already working on or considering a similar project.

Visit City Hall

Armed with preliminary facts and ideas, make an appointment with your mayor or other local government head to discuss a Living Legacy project for your town or city. Let him/her know the general time frame of the Bicentennial celebration, and ask that he/she appoint a local citizens' committee representing government, business and industry, professional and civic groups, garden clubs, schools, senior citizens, churches, etc., to work on the Living Legacy project.

Activate A Citizens' Committee

With the help of local horticulturists, foresters, landscape architects, and city planners make up a list

Sponsor tree and plant care seminars, and develop a program to maintain trees in public places.

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of possible projects and designs, and present them to the committee for a decision. By involving all interested groups, everyone will share a sense of project ownership and will be more amenable to requests for funds, materials, promotion, and labor. (To get more ideas for projects, see Agencies and Organizations list on page 24.)

Establish Project Headquarters

Depending on the size of your project, obtain donated space in your local Bicentennial Commission office (if one exists), city hall, a vacant store, an office building, or a home to set up headquarters for the project. Let all citizens in the community know of the headquarters. It should be the focal point of all project information.

Recruit Volunteers

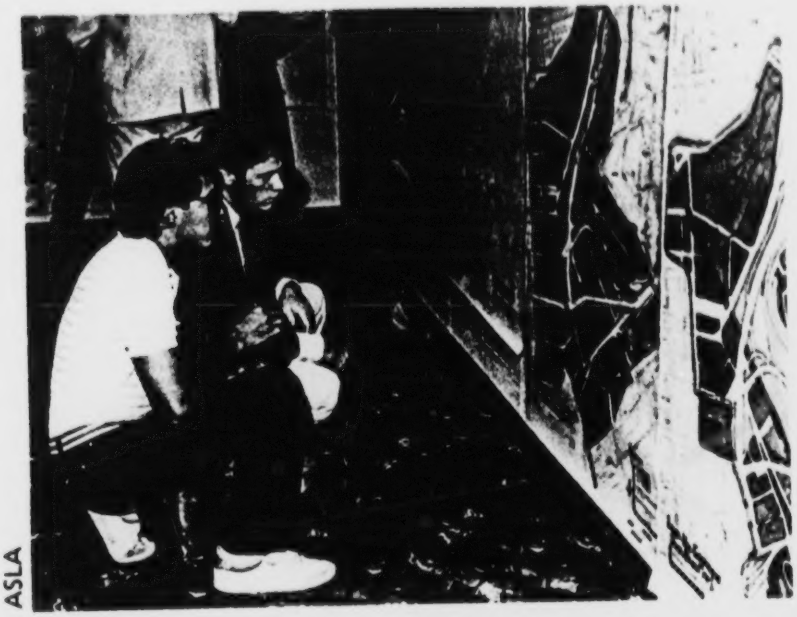
Encourage local citizens to volunteer their time and expertise to the Living Legacy project by promoting its many benefits to the community. Let them know that the project will be enjoyable and constructive, and that it will give volunteers the opportunity to meet new people, work with old friends, and perhaps gain some valuable skills. Encourage retired citizens who often have considerable experience and available free time to contribute to the project.

VOLUNTEERS WILL BE NEEDED NOT ONLY TO CREATE THE PROJECT, BUT ALSO TO MAINTAIN IT IN FUTURE YEARS

Stimulate volunteer recruitment efforts by promoting stories about project volunteers in the local media.

Appoint a volunteer coordinator to handle all aspects of volunteer participation. Working at project headquarters, the coordinator should arrange volunteer training, develop a list of tasks for volunteers, assign duties to individual volunteers, monitor performance and job progress, and assure that recognition is given for volunteer services and accomplishments.

Develop an informative and comprehensive list of rules concerning what is expected from volunteers. For example, volunteers should be clear on what costs they may have to pay, such as lunches or transportation to the project site, and what expenses might be tax deductible. Volunteers should know if they are required to wear special clothing; they should be advised of potential problems (if any)



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As a gift to Cincinnati for its Bicentennial, Ohio State University landscape architecture students helped prepare a plan to upgrade a blighted area of the city.

arising from personal injury, damage to property, etc.; and they should be asked to make a specific commitment of hours and times to be devoted to working on the project. Volunteers will be needed not only to create the Living Legacy project, but also to maintain the project in future years. (See Project Requirements on page 3.) Contact local chapters of volunteer organizations to recruit their members individually and collectively to become involved in the Living Legacy project. Many organizations such as senior citizens' clubs, Boy Scouts, Girl Scouts, 4–H groups, and garden clubs routinely sponsor horticultural activities and would be ideal candidates for a Living Legacy project.

Obtain Materials, Services, and Funds

After selecting the project and site, identify needed services such as design of the project, printing of flyers, expenses of volunteers, and use of equipment, as well as materials such as seeds, plants, bulbs, trees, shrubs, work tools, lumber, and irrigation systems.

For volunteer projects on public lands, it is often possible to obtain donations of goods and services, especially if the contributor will benefit by receiving publicity (as well as a possible tax deduction). Contact local businesses, civic groups, garden clubs, etc., for help. Offer local hardware stores, banks, real estate firms, nurseries, and fast food restaurants—to name a few—the opportunity to become sponsors of the Living Legacy project. The local Chamber of Commerce is a good place to start in contacting the business community.

Seek project assistance from city hall. Most cities have a public works, parks, or recreation department that can assist the project by providing land for the project site, materials, trucks and equipment, and labor to fill in gaps not covered on a voluntary basis. At no extra cost, a town or city could dedicate as a Living Legacy a project which has already been approved and which may be under current development.

You should also consider requesting assistance for your Living Legacy project from the Federal Government as well as your State. Projects that promote environmental improvement, soil erosion control, and other worthwhile objectives may be eligible for financial assistance and other types of support.

Don't forget to invite your U.S. Senators and Representatives to participate and to seek their advice on possible Federal resources to help your

FUNDRAISING PROJECTS

- auctions of donated products or services (such as babysitting, lawn care, or dinner for two
- special fundraising events (such as barbecues, parties, circuses, or film festivals)
- garage sales
- car washes
- recycling programs for cans, bottles, or newspapers
- sales of tee shirts, visors, banners, etc. which have been especially produced for the project
- direct solicitations of funds from banks,companies, foundations, and individuals

project. Likewise, your Governor, State Senators, Representatives, Delegates, and Commissioners might be very helpful to and interested in your project. And to strengthen your publicity efforts, be sure to include government and civic leaders in your programs and ceremonies.

Resources not otherwise donated can be acquired through various fundraising activities. To avoid possible tax complications that might arise from certain revenue-producing activities as well as other problems related to project structure and management, the policies, finances, and organization of the Living Legacy project should be reviewed by a qualified legal or financial advisor. Such assistance may be readily obtainable from an existing nonprofit organization or financial institution in the community. At a minimum, funds collected for the Living Legacy project should be maintained in a separate account, and disbursed under carefully controlled arrangements.

THE KEY TO MOTIVATING PUBLIC SUPPORT FOR YOUR PROJECT IS TO USE ALL AVAILABLE MEDIA AND COMMUNICATION OUTLETS

Publicize the Project

Use all available media and communication outlets. Make the project sound as exciting and worthwhile as it really is! Appoint a capable person to be in charge of public relations, who will both generate information about the project and serve as the contact person to the media. Devote special attention to local newspapers, TV and radio stations. Keep them informed and involved concerning every aspect of the project. Remember, you will be creating living history.

Methods for publicizing the project might include:

- mention in state and local Bicentennial Commission publications
- interviews and feature stories by local newspapers, radio, and television stations
- endorsements and commercials by leading citizens and personalities
- contests to promote project sketches and drawings by local artists. Winning designs could be put on prominent display at local banks, municipal buildings, or shopping malls
- contests with neighboring communities to come up with the best Living Legacy project

- announcements of the project in newsletters, bulletins, and other publications of local civic organizations, public schools, clubs, and churches
- advertisements and posters sponsored by local businesses
- speeches and talks at meetings of local clubs, groups, and organizations
- promotional activities by local chapters of organizations such as the Kiwanis, Boy Scouts, American Association of Retired Persons, Girl Scouts, National Association of Retired Federal Employees, or Future Farmers of America
- presentations at local government meetings and hearings
- notices to school administrators for distribution to students
- addition of Living Legacy project sites to local home or town walking tours
- a ceremony to kick off the Living Legacy project, and a "count down" calendar displayed in a prominent place indicating the days remaining until the project dedication date
- a ceremony to recognize project volunteers

GOALS

Worthwhile project goals to be highlighted might include

- **community participation in the Bicentennial celebration**
- **community beautification**
- **environmental improvement**
- **citizen volunteer spirit**
- **civic pride**
- **neighborhood restoration**
- **local history and culture**
- **business support**
- **participation by retired citizens and youth groups**
- **involvement of civic, fraternal, church, gardening and other organizations.**

YOU WILL BE CREATING LIVING HISTORY

Contact local chapters of volunteer organizations to recruit their members individually or collectively to become involved in the Living Legacy project.

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Maintain the Project

Once the project is completed, volunteers could be organized into "graduate" groups and perhaps be given a pin or certificate recognizing them as members of this special group that will commit to the ongoing maintenance of the project site. This group could help establish the schedule for project maintenance and help decide which person(s) is responsible for each task. This group could be given continuing recognition by the local media as the "Living Legacy Constitution Caregiver Team." Other resources necessary to maintain the project should be pledged by project sponsors such as local government, business groups and garden clubs. To sustain community interest in the Living Legacy project, a rededication ceremony might be held each year at the project site on Constitution Day.

The project should be designed with consideration given to maintenance requirements. Information on maintenance requirements can be obtained from professionals in your area who are familiar with climate, soil and water conditions, as well as the range of plant materials that might be used for the project.

Information on maintenance requirements can be obtained from professionals in your area who are familiar with climate, soil, and water conditions.

PROJECT RECOGNITION

While selecting a project and a site, and obtaining the necessary commitments for materials, professional and business support, volunteer labor, money, and project maintenance, a project timetable must be established and agreed to by all participants. With responsibility and authority for specific project tasks clearly understood by everyone, a starting date for the project, including an appropriate kickoff ceremony should be set. Although the starting date for the project is at the discretion of its sponsors, where possible a Living Legacy project should be dedicated on September 17, 1987, the Bicentennial of the signing of the Constitution at Philadelphia. The dedication ceremony should include special recognition of those who volunteered time, services, and resources for the project.

THE FORTHCOMING BICENTENNIAL PROVIDES A UNIQUE OPPORTUNITY TO ENLIST THE GREAT AMERICAN SPIRIT

Although many Living Legacy projects will be completed by September 17, 1987, completion of the project by that date is not a requirement. For projects involving considerable sums of money and a greater lead time, a plan should be developed and a ceremony implementing the plan should be held at the project site on September 17, 1987, or on another date which is significant to the Bicentennial of the Constitution.

To obtain official recognition for a Living Legacy project, the sponsors should:

a. Complete an Application Form.

A Living Legacy project application form has been included in the back of this booklet. If the application form has been used by someone else, or it has become otherwise removed from this booklet, you may obtain another by contacting your state Bicentennial Commission. (See list of State Commissions on page 21).

If you are a resident of a state that does not have a Bicentennial Commission, you may obtain a Living Legacy project application from the national Commission.

b. Submit the Application Form and Supporting Documents to:

- your state Bicentennial Commission.
- (or) if your state does not have a Bicentennial Commission, the application should be sent to:

Living Legacy Project
Commission on the Bicentennial of the
United States Constitution
736 Jackson Place, NW
Washington, DC 20503

Each Living Legacy project application will be reviewed to determine that it meets the four basic project requirements listed in this booklet on page 3. Sponsors of approved projects will receive an official certificate designating the project as a Living Legacy. The certificate can be used at the dedication ceremony and should be placed on permanent display.

LIVING LEGACY PARKS AND GARDENS ACROSS THE COUNTRY WILL BECOME LINKS TO BOTH THE FUTURE AND THE PAST

Optional Commemorative Plaque

Sponsors of Living Legacy projects wishing to place a permanent marker at the project site may purchase a special sign designed for this purpose. Information concerning the sign, including optional sizes and prices, will be provided to project applicants.

ADDITIONAL INFORMATION

Living Legacy project sponsors can obtain information and assistance for various aspects of their project from a number of sources.

State Bicentennial Commissions

Nearly every state has established a special commission to promote and coordinate the celebration of the Bicentennial. Residents of states or other political subdivisions of the United States should contact their state, territorial, or District of Columbia Bicentennial Commission to apply for recognition of a Living Legacy project or to obtain information and assistance concerning the Bicentennial. If your state does not have a commission, contact the national Bicentennial Commission.

State Commissions in existence as of the publication date of this booklet are:

ALABAMA
Alabama Bicentennial Task Force
Governor's Office, State Capitol
Montgomery, Alabama 36130

ALASKA
Alaska Commission to Celebrate the
United States Constitution
Post Office Box K
Juneau, Alaska 99811

ARIZONA
Arizona Commission on the
Bicentennial of the U. S. Constitution
The Supreme Court of Arizona
363 North 1st Avenue, Suite A
Phoenix, Arizona 85003

CALIFORNIA
California Bicentennial Commission
on the United States Constitution
1455 Crenshaw Boulevard, Suite 200
Torrance, California 90501

COLORADO
The Colorado Commission on the
Bicentennial of the U. S. Constitution
6199 South Pike Drive
Larkspur, Colorado 80118–9724

CONNECTICUT
United States Constitution
Bicentennial Commission
for the State of Connecticut
Tyler, Cooper & Alcorn
City Place, 35th Floor
Hartford, Connecticut 06103–3488

DELAWARE
Delaware Heritage Commission
Carvel State Office Building, 3rd Floor
820 North French Street
Wilmington, Delaware 19801

FLORIDA
United States Constitutional
Bicentennial Commission of Florida
State of Florida, Supreme Court Building
Tallahassee, Florida 32399

GEORGIA
Georgia Commission on the Bicentennial
of the United States Constitution
Secretary of State's Office
State Capitol, Room 214
Atlanta, Georgia 30334

HAWAII
Hawaii Bicentennial Commission
Post Office Box 26
Honolulu, Hawaii 96810

IDAHO
Constitution Bicentennial Commission
of Idaho
State Capitol
Boise, Idaho 83720

ILLINOIS
Committee to Commemorate
U.S. Constitution in Illinois
75 East Wacker Drive, Suite 2100
Chicago, Illinois 60601

INDIANA
Indiana Commission on the Bicentennial
of the United States Constitution
Indiana State Library
140 North Senate
Indianapolis, Indiana 46204

IOWA
Iowa State Commission on the
Bicentennial of the U. S. Constitution
c/o State Historical Society of Iowa
402 Iowa Avenue
Iowa City, Iowa 52240

KANSAS
Kansas Commission on the Bicentennial
of the United States Constitution
Capitol Building, 2nd Floor
Topeka, Kansas66612-1590

KENTUCKY
United States Constitution
Celebration Project
Kentucky Department of Education
Capitol Plaza Tower
Frankfort, Kentucky 40601

LOUISIANA
Louisiana Commission on the
Bicentennial of the United States
Constitution
Post Office Box 51388
New Orleans, Louisiana 70151

MARYLAND
Maryland Office for the Bicentennial
of the Constitution of the United States
c/o Maryland State Archives
Hall of Records, Box 828
Annapolis, Maryland 21404

MASSACHUSETTS
The Massachusetts Advisory
Commission to Commemorate the
Bicentennial of the U. S. Constitution
State House, Room 259
Boston, Massachusetts 02133

MICHIGAN
Michigan Commission on the Bicentennial
of the United States Constitution
Department of Management and Budget
Louis Cass Building, 1st Floor
Lansing, Michigan 48909

MINNESOTA
Minnesota Commission on the
Bicentennial of the U. S. Constitution
200 Ford Building
117 University Avenue
St. Paul, Minnesota 55155

MISSISSIPPI
United States Constitution
Bicentennial Commission
Post Office Box 139
Jackson, Mississippi 39205

MISSOURI
United States Constitution Bicentennial
Commission of Missouri
State Capitol Building, Room 116-3
Jefferson City, Missouri 65101

MONTANA
Montana Constitutional Connections
Committee
Statehood Centennial Office
Post Office Box 1989, Capitol Station
Helena, Montana 59620

NEVADA
Nevada Commission on the Bicentennial
of the United States Constitution
Supreme Court, Capitol Complex
Carson City, Nevada 89710

NEW HAMPSHIRE
The New Hampshire Bicentennial
Commission on the U. S. Constitution
Middletown Road
Wolfeboro, New Hampshire 03894

NEW JERSEY
Constitutional Bicentennial Commission
c/o New Jersey Secretary of State
125 West State Street
CN305, Trenton, New Jersey 08625

NEW MEXICO
New Mexico Diamond Jubilee and
Bicentennial Commission
325 Don Gaspar
Santa Fe, New Mexico 08503

NEW YORK
New York Sate Commission on the
Bicentennial of the U. S. Commission
New York State Museum
Cultural Education Center, Room 3099
Albany, New York 12230

NORTH CAROLINA
North Carolina Commission on the
Bicentennial of the U. S. Constitution
532 North Wilmington Street
Raleigh, North Carolina 27604

NORTH DAKOTA
North Dakota Constitution
Celebration Commission
The Supreme Court of North Dakota
State Capitol Building
Bismark, North Dakota 58505

OHIO
Northwest Ordinance and United States
Constitution Bicentennial Commission
1985 Velma Avenue
Columbus, Ohio 43211

OKLAHOMA
Dr. Richard Wells
Political Science Department
Oklahoma University
455 West Lindsay Street
Norman, Oklahoma 73019

Dr. Joseph Blackman
Tulsa Junior College
909 South Boston
Tulsa, Oklahoma 74119

OREGON
Governor's Commission on the
Bicentennial of the U. S. Constitution
Multnomah County Court House
1021 Southwest 4th Avenue, Room 206
Portland, Oregon 97204

PENNSYLVANIA
Commonwealth Commission on the
Bicentennial of the U.S. Constitution
c/o Pennsylvania Dept. of Education
333 Market Street
Harrisburg, Pennsylvania 17126–0333

COMMONWEALTH OF PUERTO RICO
Commonwealth of Puerto Rico Commission
on the Bicentennial of the
United States Constitution
Call Box 22–A, Hato Rey Station
Hato Rey, Puerto Rico 00919

RHODE ISLAND
Rhode Island Bicentennial Foundation
189 Wickenden Street
Providence, Rhode Island 02903

SOUTH CAROLINA
United States Constitution Bicentennial
Commission of South Carolina
c/o Department of Archives and History
Post Office Box 11669, Capitol Station
Columbia, South Carolina 29211–1669

SOUTH DAKOTA
South Dakota Centennial Commission
State Library
800 Governor's Drive
Pierre, South Dakota 57501

TENNESSEE
United States Constitution Bicentennial
Commission of Tennessee
1176 Federal Building
Memphis, Tenessee 38103

UTAH
Governor's Commission on Law
and Citizenship
110 State Capitol
Salt Lake City, Utah 84114

VERMONT
Vermont Statehood Bicentennial Comm.
Office of the Governor, State House
Montpelier, Vermont 95602

VIRGINIA
Virginia Commission on the Bicentennial
of the United States Constitution
c/o Institute of Government
University of Virginia, 207 Minor Hall
Charlottesville, Virginia 22903

WASHINGTON
Constitutions Committee, Washington
Centennial Commission
111 West 21st Avenue/KL–12
Olympia, Washington 98504

WEST VIRGINIA
United States Constitution Bicentennial
Commission of West Virginia
Department of Culture and History
The Cultural Center, Capitol Complex
Charleston, West Virginia 25305

WISCONSIN
Wisconsin Bicentennial Committee
on the Constitution
Wisconsin State Bar Association
Post Office Box 7158
Madison, Wisconsin 53707–7158

WYOMING
Wyoming Commission on the Bicentennial
of the United States Constitution
Herschler Building, 1st Floor, East Wing
122 West 25th
Cheyenne, Wyoming 82002

Agencies and Organizations

Many national professional, business, and service organizations as well as government agencies are supporting and participating in the Living Legacy project. They may be contacted for information and assistance concerning various aspects of your project as follows:

AMERICAN ASSOCIATION OF BOTANICAL GARDENS AND ARBORETA
Box 206
Swathmore, Pennsylvania 19081
(215)328-9145

This nonprofit membership organization supports North American botanical gardens and arboreta, their professional staffs, and their work on behalf of the public and the profession.

AMERICAN ASSOCIATION OF NURSERYMEN
1250 I Street NW
Suite 500
Washington, DC 20005
(202)789-2900

This is the national trade organization of the nursery/landscape industry. Today, it serves over 3,800 member firms engaged in the nursery business; wholesale growers, garden center retailers, landscape firms, mail order nursery businesses, and allied suppliers to the horticultural community.

AMERICAN ASSOCIATION OF RETIRED PERSONS
1909 K Street NW
Washington, DC 20006
(202)728-4478

This is the Nation's largest organization of Americans age 50 or over with 23 million members active in educational and community service programs through a national network of volunteers and local chapters.

AMERICAN FORESTRY ASSOCIATION
Box 2000, Dept. PLL
Washington, DC 20013
(202)467-5810
(800)368-5748

This is the national citizens' group for trees, forests, and forestry. Founded in 1875 to promote the protection and propagation of trees, the Association now has over 35,000 members. The Association can furnish the names of tree experts located in cities and towns throughout the United States.

AMERICAN HORTICULTURAL SOCIETY
Box 0105
Mt. Vernon, Virginia 22121
(703)768-5700

This nonprofit organization seeks to enrich life in the United States and the world by promoting horticulture. The Society strives to provide accurate, current horticultural information, to increase awareness of the need to conserve our natural plant heritage, to preserve and enhance our environment, and to provide educational programs for amateur and professional horticulturists alike.

Plant flowering trees in public places to symbolize the beauties of freedom we have known under the Constitution.

AMERICAN SEED TRADE ASSOCIATION
1030 15th Street NW
Suite 964
Washington, DC 20005
(202)223–4080

This 100–year–old organization represents 600 firms that produce and market seed for planting.

AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS
Public Affairs Director
1733 Connecticut Avenue, NW
Washington, DC 20009
(202)466–7730

This professional organization has 8,500 members located in 46 local chapters throughout the United States. The professional scope of landscape architecture includes site planning for large projects such as industrial parks and malls, resorts, new communities, urban plazas, streetscapes, as well as parks, gardens, and playgrounds. The Society has a historic preservation committee whose members are actively involved in inventorying historic landscapes and helping to restore them.

AMERICANS FOR INDIAN OPPORTUNITY
1010 Massachusetts Avenue NW
Washington, DC 20001
(202)371–1280

This national Indian advocacy organization has a particular interest in strengthening tribal governments and facilitating the government– to–government

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relationships of tribes within the political fabric of the United States. AIO is co-sponsoring a Constitutional Bicentennial research project on the Iroquois roots of the Constitution, and offers background information on the Great Tree of Peace.

BEDDING PLANTS, INC.
Office of Consumer Affairs
210 Cartwright Boulevard
Massapequa Park, New York 11762
(516)541-6024

This is a nonprofit trade association servicing growers, wholesalers, retailers, educators, and allieds of the bedding plants and container plants industry. It is dedicated to the advancement of the industry through education and research; creation of a better product for the consumer; and dissemination of consumer growing and marketing information.

BOY SCOUTS OF AMERICA
Camping/Conservation Service
1325 Walnut Hill Lane
Irving, Texas 75038
(214)580-2385

This nonprofit organization with three million members is known for its citizenship training, character building, and personal fitness for boys and young adults. It also uses the outdoors and the principles of conservation as a major part of its program.

ELM RESEARCH INSTITUTE
Harrisville, New Hampshire 03450
(800)367-3567

This nonprofit organization is dedicated to preserving mature elm trees as part of our natural heritage and replacing the millions of elms lost to Dutch Elm Disease with the new, disease-resistant American Liberty Elm. The organization co-sponsors with the Boy Scouts of America the Johnny Elmseed Program to promote American elm nurseries in local communities.

FEDERAL HIGHWAY ADMINISTRATION
U.S. Department of Transportation
400 Seventh Street SW
Washington, DC 20590
(202)366-0660

This Federal agency is concerned with the total operation and environment of the highway systems, including responsibility for administering a Federal aid program with the States. The Administration also regulates and enforces Federal requirements for the safety of those engaged in interstate or foreign commerce.

FUTURE FARMERS OF AMERICA
Box 15160
Alexandria, Virginia 22309
(703)360-3600

This organization serves young people by preparing them for careers in agricultural business. With 430,000 members located in 8,000 high schools throughout the nation, Future Farmers of America strives to develop the qualities of agricultural leadership, cooperation, and citizenship in its members.

GIRL SCOUTS OF THE U.S.A.
1625 I Street NW
Suite 612
Washington, DC 20006
(202)659-3780

As the largest voluntary organization for girls in the world with over three million members, the Girl Scouts offers girls a broad range of activities which address their current interests and future roles as women. The organization promotes self-discovery through activities involving science, the arts, the out-of-doors, and people. The Honorary President of the organization in First Lady, Nancy Reagan.

INTERNATIONAL CITY MANAGEMENT ASSOCIATION
1120 G Street NW
Washington, DC 20005

This organization works to enhance the quality of local government and to nuture and assist professional local government administrators in the U.S. and other countries. The organization offers research and data collection resources as well as educational programs for its members, who consist of appointed professional administrators serving cities, towns, boroughs, counties, and other local governments.

IRRIGATION ASSOCIATION
1911 North Fort Myer Drive
Suite 1009
Arlington, Virginia 22209
(703)524-1200

This nonprofit trade association exists to promote the conservation of water, soil, and energy; the more economical production of crops through the efficient use of irrigation and the enhancement of the environment by expanding the use of irrigation for landscape maintenance and for dust and erosion control. The organization's members represent all irrigation marketing segments, both agricultural and landscape/ornamental.

THE JOHN BARTRAM ASSOCIATION
54th Street & Lindbergh Boulevard
Philadelphia, Pennsylvania 19193
(215)729-5281

Formed in 1893 by descendants of John Bartram, America's first recognized botanist, this Association maintains Bartram Garden in Philadelphia. Since 1950 the Association has been affiliated with the Garden Club Federation of Pennsylvania. It has a research program for house and garden restoration, and a nature study program for children.

MEREDITH FUND
1801 Lavaca, #12-K
Austin, Texas 78701
(512)478-0672

This nonprofit organization helps individuals, especially women, achieve specific personal goals which will be beneficial to society as a whole. The organization is co-sponsoring a Constitutional Bicentennial research project on the Iroquois roots of the Constitution, and offers background information on The Great Tree of Peace. (see . p. 9)

NATIONAL ALLIANCE OF SENIOR CITIZENS
2525 Wilson Boulevard
Arlington, Virginia 22241
(703)528-4380

This nonprofit national organization of 2.2 million members exists to serve the senior community, taking responsible long-range stands on critical senior issues.

NATIONAL ARBOR DAY FOUNDATION
211 North 12th Street
Suite 511
Lincoln, Nebraska 68565

Founded in honor of Julius Sterling Morton in recognition of his contributions to arbor day, this organization promotes and supports the planting of trees through various national projects. The Foundation sponsors the "Tree City USA" program to promote tree planting and maintenance by municipalities, and the "Project Learning Tree", which teaches school children about tree planting and the environment. The first arbor day was celebrated on April 10, 1872.

NATIONAL ARBORIST ASSOCIATION, INC.
174 Route 101
Bedford Station-Box 238
Bedford, New Hampshire 03102
(603) 472-2255

This organization represents firms engaged in the profession of arboriculture and promotes public awareness of the contributions of professional arborists. The organization collects and disseminates valuable information regarding the shade-tree preservation industry, and fosters cooperation among industry members.

NATIONAL ASSOCIATION OF COUNTIES
440 First Street NW
Washington, DC 20006
(202) 393-6226

This organization representing 3,000 county governments promotes the interests of county governments at a national level. The organization provides liaison for counties with the Federal government, disseminates information to county officials, promotes public awareness of the role and services of county government, and sponsors awards recognizing creative county programs.

NATIONAL ASSOCIATION OF OLDER AMERICAN VOLUNTEER PROGRAMS
Room 1006
806 Connecticut Avenue NW
Washington, DC 20525
(202) 634-9355

The Office of Older American Volunteer Programs manages the Foster Grandparent Program, the Senior Companion Program, and the Retired Senior Volunteer Program. Together these programs involve 345,000 volunteers sixty years of age or older, who donate 98 million hours of service annually on 1,100 projects located in communities throughout the Nation.

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES
1533 New Hampshire Avenue NW
Washington, DC 20036
(202) 234-0832

This organization is comprised of men and women who have completed careers in the Federal service, or who are survivors of those who have. Founded in 1921 to preserve and protect the earned benefits of Federal retirees, NARFE has 1,687 active Chapters located in communities throughout the United States and abroad. This organization promotes active participation by its members in the leadership and execution of local projects to improve community life.

Neil J. Stout

The West Springfield Garden Club chose Olivet Episcopal Chapel, Franconia, Virginia, for a historic preservation project.

NATIONAL ASSOCIATION OF STATE FORESTERS
444 North Capital Street
Suite 405
Washington, DC 20017
(202)624–5415

This organization is composed of directors of the state forestry agencies within each state. The primary responsibility of their agencies is to conduct forestry work for the public good on state and privately owned forest land in their respective states. State foresters work in cooperation with private, Federal, and other state agencies, organizations, and individuals to promote forestry management, conservation, and environmental protection.

NATIONAL CAPITAL AREA FEDERATION OF GARDEN CLUBS, INC.
Federation Headquarters
U.S. National Arboretum
3501 New York Avenue NE
Washington, DC 20002
(301)567–4726

This organization located in the Washington, D.C. metropolitan area consists of 150 garden clubs, three plant societies, and 5,000 members who are working together to increase the enjoyment and benefits of gardening. The purposes of the federation are charitable, scientific, and educational, and are implemented through programs of conservation, horticulture, landscape design, floral shows, etc.

NATIONAL COUNCIL OF SENIOR CITIZENS
925 15th Street, NW
Washington, DC 20005
(202)347–8800

Founded in 1961 during the effort to establish the Medicare program, this organization with 4,800 clubs and 4.5 million members works on behalf of America's elderly citizens. Through its efforts to safeguard older persons against poverty and illness, this organization strives to raise the quality of family life for Americans of all ages.

NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.
4401 Magnolia Avenue
St. Louis, Missouri 63110
(314)776-7574

This organization has member Federations in each of our 50 states. Its charitable, educational, and scientific purposes are expressed in its expertise in arboriculture, conservation, energy, environmental concerns, garden therapy, historic preservation, horticulture, wild flower propagation and culture, and work with young gardeners. Its many programs have enabled its 300,000 plus members to make valuable contributions to communities, States, and the Nation. Its Bicentennial theme is to "Plant a Living Legacy" of "Trees Across America." The organization can provide information on planning, planting, or restoring either tree or flower oriented gardens, and on achieving project goals through promoting community cooperation.

NATIONAL COUNCIL FOR THERAPY AND REHABILITATION THROUGH HORTICULTURE
9220 Wightman Road
Suite 300
Gaithersburg, Maryland 20879
(301)948-3010

This is the sole national organization within the United States that is dedicated to promoting and developing horticultural therapy and rehabilitation programs. The Council promotes the development of horticultural therapy efforts which serve and train disabled and disadvantaged persons.

NATIONAL LEAGUE OF CITIES
1301 Pennsylvania Avenue, NW
Washington, DC 20004
(202)626-3030

This organization, which represents 1,200 city governments in the United States, serves as an advocate for its members in dealings with the Federal Government. The League develops and pursues a national urban policy that meets the present and future needs of our cities and their residents; offers training, technical assistance, and information to municipal officials; and undertakes research and analysis on topics and issues of importance to the Nation's cities.

NATIONAL PARK SERVICE
U.S. Department of the Interior
Office of Information
Box 37127
Washington, DC 20013
(202)343-4747

This Federal agency is responsible for preserving and managing America's natural and cultural resources placed in its care. These resources include national parks, monuments, seashores, and recreation areas.

NATIONAL RECREATION AND PARK ASSOCIATION
3101 Park Center Drive
Alexandria, VA 22302
(703)820-4940

This organization promotes public awareness and support for recreation, park, and leisure services as they relate to the constructive use of leisure, and thereby to the social stability of a community and the physical and mental health of the individual. NRPA also strives to promote public awareness of the environmental and natural resource management aspects of recreation and leisure service.

NETHERLANDS FLOWERBULB INFORMATION CENTER
250 West 57th Street
New York, New York 10019
(212)399-9801

This is the education and information arm of the International Flowerbulb Center in Hillegom, The Netherlands. Its prime service is to the gardening community as a source of information on the many varieties of Dutch flowerbulbs. It distributes literature on the techniques of planting Dutch bulbs.

PROFESSIONAL GROUNDS MANAGEMENT SOCIETY
3701 Old Court Road
Suite 15
Pikesville, Maryland 21208
(301)653-2742

Established in 1911, this organization is a professional society of managers of grounds of all specialties and disciplines, who have joined together for the purpose of educational and economic advancement. The organization has over 1,400 professional members and 16 branches.

SOCIETY OF AMERICAN FLORISTS
1601 Duke Street
Alexandria, Virginia 22314
(703)836-8700

This national trade association represents all segments of the floral industry-growers, wholesalers, retailers, manufacturers and suppliers of related products, educators, and students. The Society can provide information about local growers, wholesalers, or retailers of floral products who would be available to assist communities with their Living Legacy efforts. The Society also has about 150 affiliate members—state, local, and regional floral associations and allied organizations—that could serve as resource centers or contacts for information regarding floral products.

TREEPEOPLE, INC.
(TreePeople, Inc.)
12601 Mulholland Drive
Beverly Hills, California 90210
(818)769-2663 (213)273-8733

This nonprofit urban forestry organization aims to involve the residents of Southern California in caring for their environment. Its work includes tree planting and maintenance projects, educational programs, and flood relief, carried out by a network of volunteers and a small professional staff.

UNITED STATES FOREST SERVICE
P.O. Box 96090
Washington, DC 20013
(202)447-3957

This agency within the U.S. Department of Agriculture is responsible for Federal leadership in forestry. It carries out this role through (1) protection and management of resources on the 191-million-acre National Forest System; (2) cooperation with State and local governments, forest industries, and private landowners to help protect and manage non-Federal forest and associated range and watershed lands; and (3) research on all aspects of forestry, rangeland management, and forest resources utilization. The Forest Service can provide information about selecting and planting trees. You can obtain a pamphlet on tree planting by contacting the nearest local Forest Service office, listed in the telephone directory under U.S. Government, Agriculture Department, or by writing to the address listed here.

MEMBERS OF THE COMMISSION

Warren E. Burger, Chairman

Frederick K. Biebel

Lindy Boggs

Herbert Brownell

Lynne V. Cheney

Philip M. Crane

Dennis DeConcini

William J. Green

Rev. Edward Victor Hill

Cornelia G. Kennedy

Edward M. Kennedy

Harry McKinley Lightsey, Jr.

William Lucas

Betty Southard Murphy

Thomas H. O'Connor

Phyllis Schlafly

Bernard H. Siegan

Ted Stevens

Obert C. Tanner

Strom Thurmond

Ronald H. Walker

Charles E. Wiggins

Charles Alan Wright

Mark W. Cannon,
Staff Director

Ronald M. Mann,
Deputy Staff Director

PLANT A LIVING LEGACY
TO THE UNITED STATES CONSTITUTION
Project Recognition Application

Submit this application form and supporting documents to:
- your state Bicentennial Commission (see page 21)
- (or) if your state does not have a Bicentennial Commission:

Living Legacy Project
Commission on the Bicentennial
of the U. S. Constitution
736 Jackson Place, NW
Washington, DC 20503

I. PROJECT SPONSOR

1. NAME OF PROJECT SPONSOR (*organization, agency or individual*):

2. ADDRESS OF SPONSOR:

3. CITY:	4. STATE:	5. ZIP CODE:	6. TELEPHONE #:

7. NAME OF PROJECT DIRECTOR:

8. ADDRESS OF PROJECT DIRECTOR (*if different from above*):

9. CITY:	10. STATE:	11. ZIP CODE:	12. TELEPHONE #:

II. PROJECT DESCRIPTION

13. DESCRIBE THE PROJECT (*Explain precisely the work to be done.*):

14. DESCRIBE THE LOCATION (*city, county or area where project will be located*):

15. LIST ORGANIZATIONS AND GROUPS THAT HAVE PLEDGED MATERIALS, FUNDS, LABOR, LAND, AND SUPPLIES FOR THE PROJECT:

16. LIST GOVERNMENT AGENCIES (*If any*) INVOLVED IN THE PROJECT (*local, state or Federal*):

17. PLANNED STARTING DATE:	18. PLANNED DEDICATION DATE:	19. ESTIMATED COMPLETION COST (*Do not include the value of volunteer labor.*):

III. PROJECT REQUIREMENTS

(NOTE: Each of the following must be answered completely to receive recognition of your project.)

20. WHAT SPECIFIC STEPS WILL BE TAKEN TO DEDICATE THIS PROJECT TO HONOR THE UNITED STATES CONSTITUTION AND TO COMMEMORATE ITS BICENTENNIAL?:

21. EXPLAIN HOW THIS PROJECT WILL MEET A WORTHWHILE COMMUNITY NEED (*How will the project improve the community?*):

22. WHO OWNS THE LAND ON WHICH THE PROJECT WILL BE ESTABLISHED, AND IS THE LAND REGULARLY OPEN TO THE PUBLIC?:

23. EXPLAIN IN DETAIL WHAT ARRANGEMENTS ARE BEING MADE TO GUARANTEE THAT THE PROJECT SHALL RECEIVE PERMANENT, LONG-TERM MAINTENANCE. (*What pledges have been made to provide continued care, funds, resources, materials, etc. to assure that the project will be maintained indefinitely.*):

The signature below attests to the applicant's certification that the information furnished on this form is accurate and complete to the best of his or her knowledge. The applicant also agrees to comply with all policies, requirements, regulations and other decisions that have been made by the National Commission on the Bicentennial of the United States Constitution or the Commission of the State in which the Plant a Living Legacy Project shall be located, affecting the applicant's project and responsibilities.

SIGNATURE OF RESPONSIBLE OFFICIAL:

TITLE:

DATE

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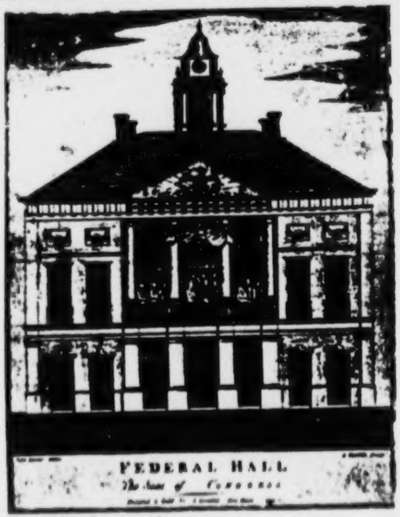


Scene of First Presidential Inauguration

Teaching Guide to Accompany

UNITED STATES PRESIDENTS, 1789 TO 1989

A CLASSROOM WALL CHART

For Readers of **Scholastic News**

Dear Teacher,

On April 30, 1989, Americans will have a momentous event to celebrate. The date marks the 200th anniversary of the inauguration of George Washington as the first President of the United States of America.

The anniversary honors more than the accomplishments of a great leader. Under the Presidents who succeeded Washington, the United States has become the most powerful free nation in the history of the world. The path of accession to the Presidency is itself a model of democracy. While some nations are torn by the power grabs of rival factions, Americans have unfailingly chosen their Presidents by the system established in the Constitution.

In ways appropriate to their age and understanding, every student should have the chance to learn these great traditions about our Presidents and our Presidency. To assist you, the Commission on the Bicentennial of the United States Constitution offers you this education kit, "United States Presidents, 1789 to 1989." Artists, writers, and editors at Scholastic Inc., with the editorial assistance of the Commission's advisory committee, worked for many months to prepare the wall chart and the teaching materials that accompany it.

We hope that, with aid of this kit, you and your students will celebrate Washington's inauguration on April 30 with deep appreciation for what the Presidency means to America.

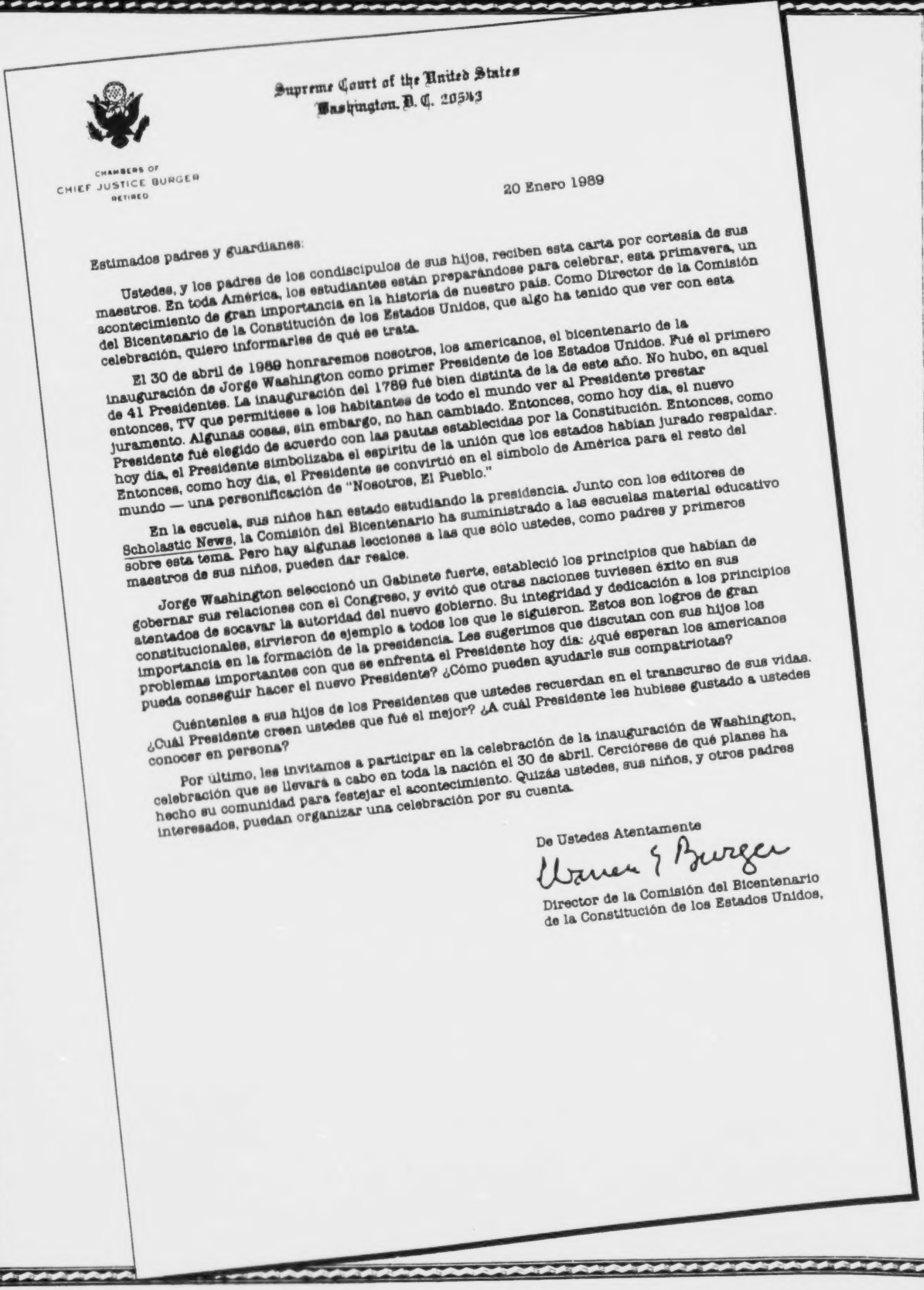
Dr. Herbert M. Atherton
Director of Education
Bicentennial Commission

The principal goal of the Commission on the Bicentennial of the United States Constitution is to stimulate an appreciation for and understanding of our national heritage—a history and civics lesson for us all. The Commission is sponsoring several educational programs, including the National Historical Pictorial Map Contest and the Bicentennial School Recognition Program. Events commemorated by such programs include the 200th anniversaries of the Constitution, the Presidency, the Congress, the Judiciary, and the Bill of Rights.

TEACHER!

1. Duplicate this 8-page guide before you display the wall chart on the other side!
2. Set aside the weeks of April 16-30, 1989 to commemorate George Washington's inauguration as the first U.S. President!
3. Use the approaching Bicentennial to teach students about the American Presidency!

SCHOLASTIC
Sponsored by the Commission on the Bicentennial of the United States Constitution



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

20 Enero 1989

Estimados padres y guardianes:

Ustedes, y los padres de los condiscipulos de sus hijos, reciben esta carta por cortesía de sus maestros. En toda América, los estudiantes están preparándose para celebrar, esta primavera, un acontecimiento de gran importancia en la historia de nuestro país. Como Director de la Comisión del Bicentenario de la Constitución de los Estados Unidos, que algo ha tenido que ver con esta celebración, quiero informarles de qué se trata.

El 30 de abril de 1989 honraremos nosotros, los americanos, el bicentenario de la inauguración de Jorge Washington como primer Presidente de los Estados Unidos. Fué el primero de 41 Presidentes. La inauguración del 1789 fué bien distinta de la de este año. No hubo, en aquel entonces, TV que permitiese a los habitantes de todo el mundo ver al Presidente prestar juramento. Algunas cosas, sin embargo, no han cambiado. Entonces, como hoy día, el nuevo Presidente fué elegido de acuerdo con las pautas establecidas por la Constitución. Entonces, como hoy día, el Presidente simbolizaba el espiritu de la unión que los estados habían jurado respaldar. Entonces, como hoy día, el Presidente se convirtió en el símbolo de América para el resto del mundo — una personificación de "Nosotros, El Pueblo."

En la escuela, sus niños han estado estudiando la presidencia. Junto con los editores de Scholastic News, la Comisión del Bicentenario ha suministrado a las escuelas material educativo sobre esta tema. Pero hay algunas lecciones a las que sólo ustedes, como padres y primeros maestros de sus niños, pueden dar realce.

Jorge Washington seleccionó un Gabinete fuerte, estableció los principios que habían de gobernar sus relaciones con el Congreso, y evitó que otras naciones tuviesen éxito en sus atentados de socavar la autoridad del nuevo gobierno. Su integridad y dedicación a los principios constitucionales, sirvieron de ejemplo a todos los que le siguieron. Estos son logros de gran importancia en la formación de la presidencia. Les sugerimos que discutan con sus hijos los problemas importantes con que se enfrenta el Presidente hoy día: ¿qué esperan los americanos pueda conseguir hacer el nuevo Presidente? ¿Cómo pueden ayudarle sus compatriotas?

Cuéntenles a sus hijos de los Presidentes que ustedes recuerdan en el transcurso de sus vidas. ¿Cuál Presidente creen ustedes que fué el mejor? ¿A cuál Presidente les hubiese gustado a ustedes conocer en persona?

Por último, les invitamos a participar en la celebración de la inauguración de Washington, celebración que se llevará a cabo en toda la nación el 30 de abril. Cerciórese de qué planes ha hecho su comunidad para festejar el acontecimiento. Quizás ustedes, sus niños, y otros padres interesados, puedan organizar una celebración por su cuenta.

De Ustedes Atentamente

Warren E Burger

Director de la Comisión del Bicentenario
de la Constitución de los Estados Unidos,

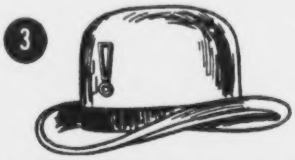
PRESIDENTIAL BICENTENNIAL WALL CHART
APPLYING INFORMATION

Which "Hat" Does the President Wear?

The Constitution is the most important law in the U.S. It even tells the President what his duties are. Five of these duties are listed below. Next to each is a "hat." The President doesn't really wear these hats! But the drawings help us remember the President's duties.

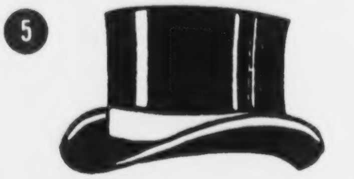
1. The President is in charge of our country's Army and Navy.

2. The President must make sure that people respect the law.



3. The President can suggest new laws to Congress.

4. The President chooses people for important jobs in the government. But if U.S. Senators don't like the choices, they can vote against them.



5. The President can sign treaties with leaders of other countries. But if U.S. Senators don't like a treaty, they can vote against it.

Read each sentence. Then pick out the "hat" that matches what the President did. Write the number of that hat on the blank line.

____a. President Washington picked Samuel Osgood to be the head of the U.S. Post Office.

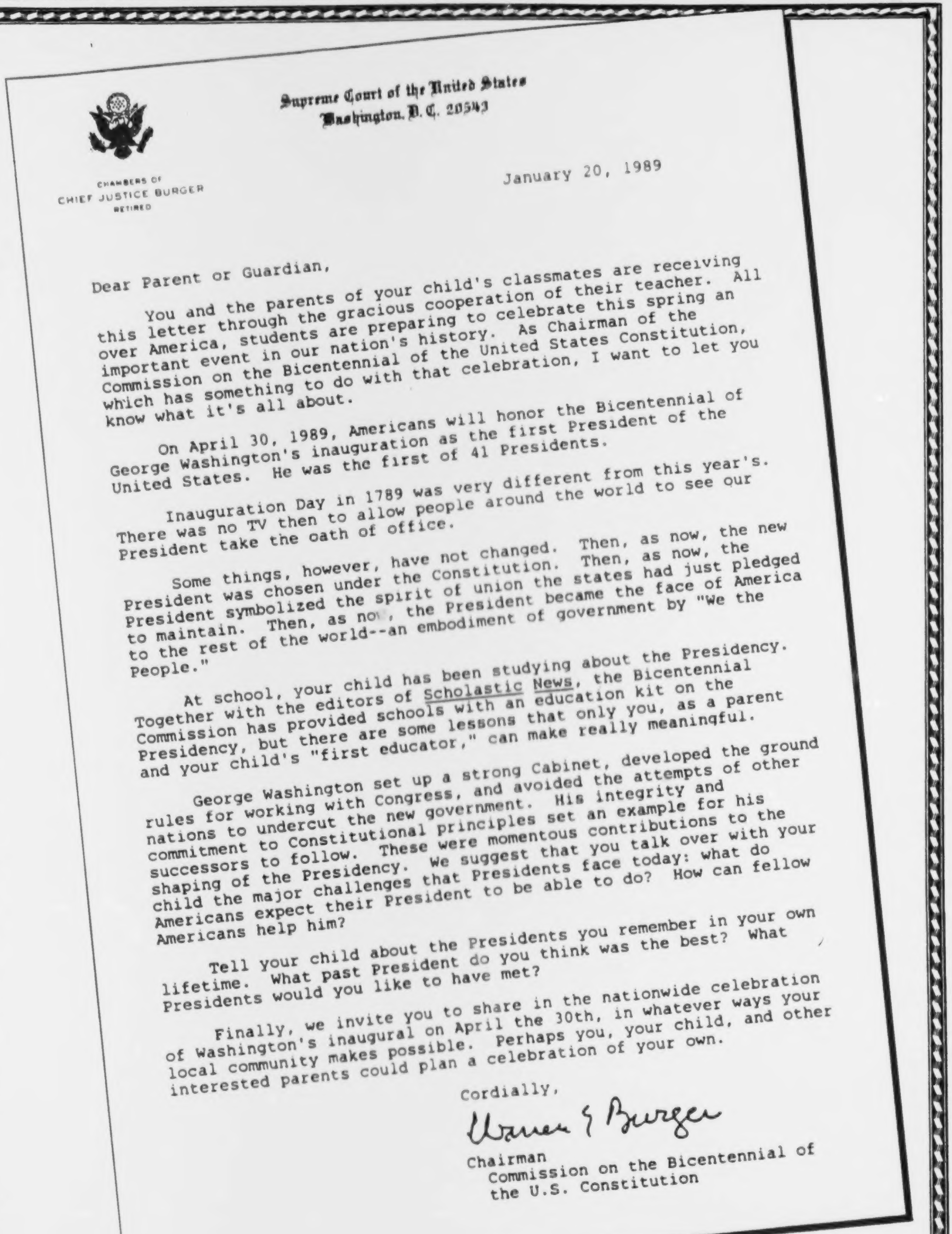
____b. President Arthur asked Congress to pass a law. The law says that people who want a government job must pass a test.

____c. President Truman sent the U.S. Army and Navy to help South Korea. The people of South Korea were fighting Communists.

____d. A school refused to accept a black student. This is against U.S. law. President Kennedy sent law officers to make sure the student got into the school.

____e. President Reagan signed a treaty with the leader of the Soviet Union. The treaty says that each country will get rid of some weapons.

Activity to accompany "United States Presidents, 1789 to 1989," a classroom wall chart sponsored by the Commission on the Bicentennial of the United States Constitution. Permission to reproduce this page is granted to Scholastic News subscribers.



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

January 20, 1989

Dear Parent or Guardian,

You and the parents of your child's classmates are receiving this letter through the gracious cooperation of their teacher. All over America, students are preparing to celebrate this spring an important event in our nation's history. As Chairman of the Commission on the Bicentennial of the United States Constitution, which has something to do with that celebration, I want to let you know what it's all about.

On April 30, 1989, Americans will honor the Bicentennial of George Washington's inauguration as the first President of the United States. He was the first of 41 Presidents.

Inauguration Day in 1789 was very different from this year's. There was no TV then to allow people around the world to see our President take the oath of office.

Some things, however, have not changed. Then, as now, the new President was chosen under the Constitution. Then, as now, the President symbolized the spirit of union the states had just pledged to maintain. Then, as now, the President became the face of America to the rest of the world--an embodiment of government by "We the People."

At school, your child has been studying about the Presidency. Together with the editors of Scholastic News, the Bicentennial Commission has provided schools with an education kit on the Presidency, but there are some lessons that only you, as a parent and your child's "first educator," can make really meaningful.

George Washington set up a strong Cabinet, developed the ground rules for working with Congress, and avoided the attempts of other nations to undercut the new government. His integrity and commitment to Constitutional principles set an example for his successors to follow. These were momentous contributions to the shaping of the Presidency. We suggest that you talk over with your child the major challenges that Presidents face today: what do Americans expect their President to be able to do? How can fellow Americans help him?

Tell your child about the Presidents you remember in your own lifetime. What past President do you think was the best? What Presidents would you like to have met?

Finally, we invite you to share in the nationwide celebration of Washington's inaugural on April the 30th, in whatever ways your local community makes possible. Perhaps you, your child, and other interested parents could plan a celebration of your own.

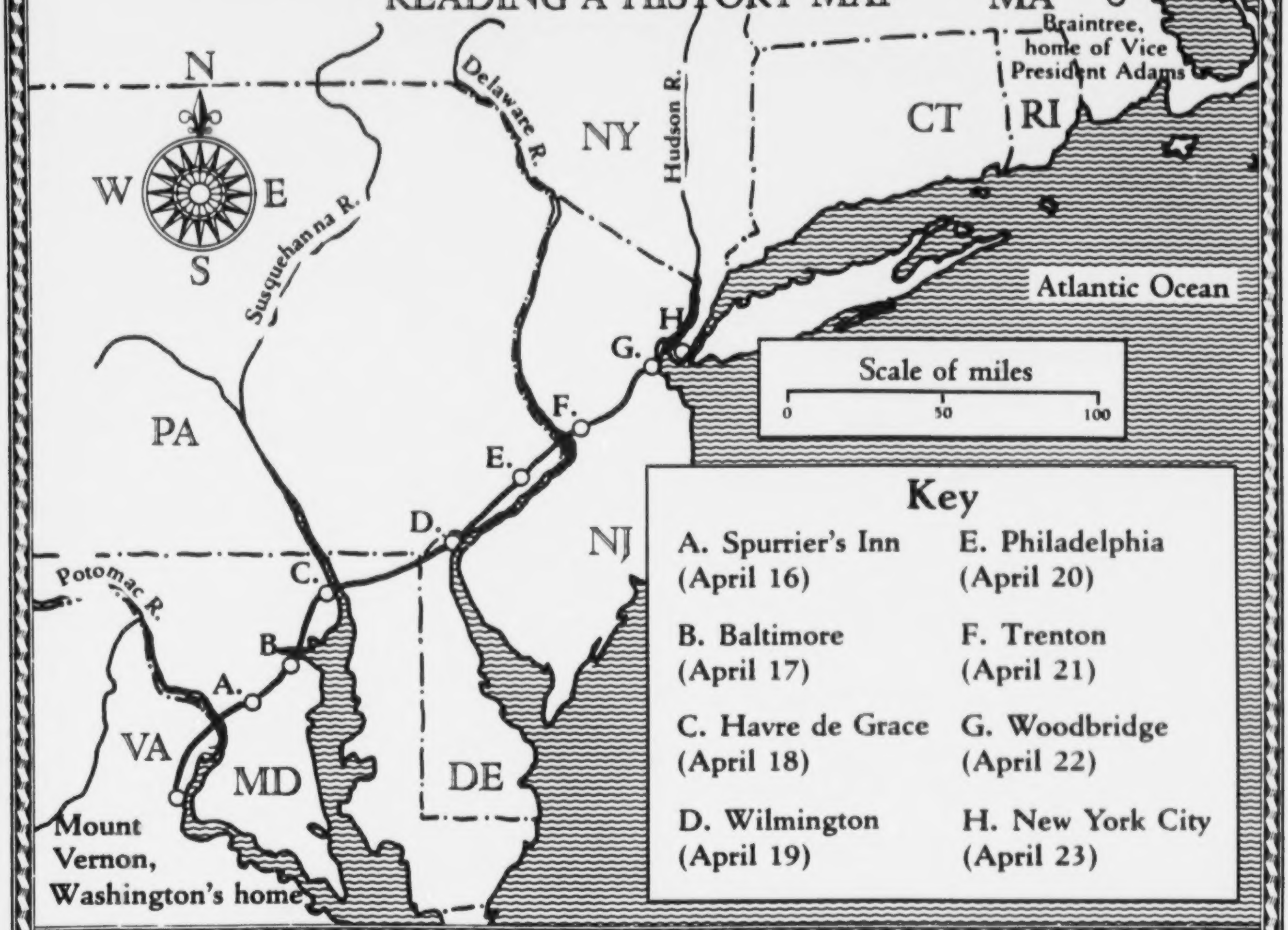
Cordially,

Warren E Burger

Chairman
Commission on the Bicentennial of
the U.S. Constitution

PRESIDENTIAL BICENTENNIAL WALL CHART

READING A HISTORY MAP



Journey Into the Future

On April 16, 1789, George Washington left his home in Virginia for an exciting trip to New York City. He was going to become the first President of the United States. On horseback, the journey took him a week. This map shows places in or near which he stopped to rest each night.

Use the map to answer the following questions.

1. What city in Delaware did Washington visit? ____________________
2. Where did he stay overnight on April 21? ____________________
3. How many days did Washington's journey take? ____________________
4. How many states did he travel through? ____________________
5. Did his journey cover 135 or 235 miles? ____________________

BONUS: Washington became President on April 30, 1789. What do you think was his biggest dream for America that day?

Activity to accompany "United States Presidents: 1789 to 1989," a classroom wall chart sponsored by the Commission on the Bicentennial of the United States Constitution. Permission to reproduce this page is granted to Scholastic News subscribers.

oldest person they know, "Who's the first President you remember?" Tell them to ask this friend to write a sentence about that President, to share with other students at school. Discuss the kinds of things that people today remember about past Presidents.

E. ACTIVITIES FOR GRADES 1-2

At these grade levels, objectives should include:

- using the word President correctly in a sentence;
- explaining what a leader is, and how the President is the leader of all Americans.

6. Leadership. Most students know some version of "follow the leader." You've probably discussed with them how to tell good leaders from bad leaders, within their community. Remind students of connotations they already have for the term, then introduce it in reference to the President. Ask students who the new President is. Maybe some of them can tell you how he was chosen (elected).

Then tell students that America has always had a President since the time of George Washington, a very great President. Put the names of a few Presidents on the chalkboard, and ask students to find their names on the wall chart.

Discuss: What does a President do? Why is the President a leader? Tell students some of the duties the President has, as you read from a copy of the Constitution.

7. Visualizing the Future. Use the duplicatible on TE-E4 to help students visualize themselves as the President! See **ANSWERS,** below.

8. Presidential Stories. Read children a story about one or more of the Presidents. A good source of anecdotes, especially at the beginning of each entry, is *The Look-It-Up Book of Presidents*, by Wyatt Blassingame. Invite students to retell each anecdote in their own words.

F. SOMETHING FOR EVERYBODY

You may want to work with other teachers on this idea!

9. Coverage of the Bicentennial. Public reenactments of Washington's inaugural journey and his taking of the oath of office are planned for April 1989. Unless your school is near the sites where these events will take place, students will depend on TV and/or newspaper coverage to follow the observances. Contact local media ahead of time, to let them know of your interest in seeing such coverage.

G. THE DUPLICATIBLES, pages TE-E4, 5, and 6

The map on **TE-E6** traces the inaugural journey of George Washington from his home in Mt. Vernon, Virginia, to New York City, in April 1789. It's an excellent basis for discussing transportation in the late 1700s. Washington's route, which can be covered in two to five hours today, took a full week to accomplish in 1789!

ANSWERS: • **TE-E4:** *"Draw Yourself as the President!"* (suggested for Grades 1 and 2). A-The X goes above the quarter. B-Invite children to tell you why they draw themselves as "happy" or "serious." If some draw a whole figure, instead of a face, on the coin, talk about why most coins show just a person's face (scale of drawing, etc.). C-Invite children to read their answers to each other. Foster the sense that all Americans—male, female, black, white, etc.—can dream of being a President. Discuss "helping" as a function of being a leader. (The President urges people to do what's good. He fights crime. Etc.)

• **TE-E5:** *"Which 'Hat' Does the President Wear?"* (suggested for Grades 3 and 4). (A) a-4; b-3; c-1; d-2; e-5.

Before students tackle this activity, discuss symbolic hats they know (a clown's hat, a football helmet, etc.). Reinforce the fact that the President doesn't "wear" the hats shown here, to do his job. Tell them that Americans like hat symbols and use the ones on this page as a way of describing the President's duties. Can they invent a "hat" to show themselves as students?

• **TE-E6:** *"Journey Into the Future"* (suggested for grades 5 and 6). 1-Baltimore; 2-Trenton, NJ; 3-seven days; 4-six (VA, MD, DE, PA, NJ, NY); 5-235 miles. BONUS: Answers will vary, but should reflect children's understanding that Washington—and Americans—were beginning a new adventure: The Constitution was new, the Presidency was new, etc.

H. LETTER TO PARENTS, pages TE-E7, and 8

The letter to parents from retired Chief Justice Warren E. Burger is a terrific opportunity for you to contact your students' homes, let families know what you are doing about the Bicentennial, and involve them in talking with their children about the American Presidency.

We suggest that you (1) make enough copies of the lettter in English (TE-E8) and/or Spanish (TE-E7) for every student who is using the kit materials, then (2) send it home on or shortly before April 15.

A VIDEO ON THE PRESIDENCY

As you plan lessons and activities leading up to the Bicentennial in April, include time for "We Shall Have a President," a video on the origins of the U.S. Presidency. The half-hour video, based on archival material and produced by Scholastic Productions, examines the Presidency in the light of the American Experiment that evolved during and after the Revolutionary War. Coverage includes the Articles of Confederation, the Constitutional Convention, Washington's inauguration, and the subsequent adoption of the Bill of Rights.

For more information write: **Information Services, Commission on the Bicentennial of the U.S. Constitution, 808 17th St. N.W. Washington, DC 20006. (202) 653-9800.**

PRESIDENTIAL BICENTENNIAL WALL CHART
TEACHING SUGGESTIONS

A. BACKGROUND

After repeated debates over the long, hot summer of 1787, delegates to the Constitutional Convention agreed to a bare-bones description of the new office of President of the United States. The assumption that George Washington would be the first to fill this office helped the delegates get past their worst fears: Of all men, he was the least inclined to turn the Presidency into a "monarchy."

Volumes have been written about Washington's contributions to the shaping of the Executive Branch. He rejected the attempts of some contemporaries to treat him as royalty. He formed a strong Cabinet, including Thomas Jefferson and other respected leaders. He put the "advise-and-consent" relationship with the Senate into effect. He made what we would call the "national interests" of the U.S. his primary concern. He refused a third term.

These decisions became honored precedents for the Presidents who succeeded Washington in office. Perhaps his greatest contribution lay in just that: He became a model, never tarnished in retrospect, for the Chief Executives who succeeded him and who guided America for 200 years. The materials in this kit will help students celebrate both Washington and the office of the American Presidency.

B. INTRODUCING THE WALL CHART

Our "stamp-collector's" wall chart is a unique depiction of all the deceased Presidents, through enlargements of postage stamps issued in their honor.

Stamps If you have stamp collectors in your class, you might invite them, as you display the wall chart, to point out the stamps they recognize. Tell students that

- the Postal Service, which provides stamps, often puts out a new stamp with the picture of a President;
- by tradition, living Presidents never have their picture on a stamp. Point out that the last five images on the wall chart are photos.

C. ACTIVITIES FOR GRADES 5-6

At these grade levels, objectives should include:

- identifying the Constitutional origin of the President's power and duties;
- identifying past Presidents, based on popularly remembered events in their lives;
- reading a map of Washington's inaugural journey.

1. Origins of the Executive Branch. Show students Article II, Sections 2 and 3 in the Constitution. (Most almanacs include a copy of the Constitution, if the students' texts do not include it.) Tell them, briefly, that when Americans wrote the Constitution long ago, they were afraid of making the President's job too powerful. (They had just recently fought a war to be free of a king's rule.) At the same time, however, they knew that a President had to have certain basic powers—to command the army and navy, to make treaties with other countries, etc. Work with students to identify and discuss these powers in Article II.

2. Presidential Treasure Hunt. Group students in teams. Give all teams the following questions, and have them research the answers by using the wall chart, plus standard classroom and library resources. Announce a prize for the first team to find all the answers. (Maybe a coin, with Washington's picture on it, for each member of the team?) • Who was the first President from Virginia? (Washington) • How many Presidents were born as subjects of the King of England? (The first seven, plus William Henry Harrison) • What two Presidents died on the 50th anniversary of the Declaration of Independence? (Jefferson and John Adams) • Who wrote the Emancipation Proclamation, and what did the Proclamation provide? (Lincoln; the freedom of slaves in the states at war with the Union) • Who became the 22nd *and* the 24th President? (Cleveland. The U.S. officially counts him as *two* Presidents.) • Who was President during World War I? (Wilson) • What President said "We have nothing to fear but fear itself"? When did he say it? (FDR, during the Depression) • What President sent federal troops to Little Rock, Arkansas to enforce the Constitution? (Eisenhower) • Who was the first President born in the 1900s? (Kennedy) • What President came to office without ever having been elected President or Vice President? (Ford) • What President signed the first treaty to cut back nuclear arms? (Reagan)

D. ACTIVITIES FOR GRADES 3-4

At these grade levels, objectives should include:

- identifying the Constitution as the origin of the President's power and duties;
- interpreting symbols of the Presidency;
- conducting an oral-history interview with a member of their family.

4. Symbols. Discuss the tradition in most countries of depicting their national leaders (kings, etc.) on stamps and coins. Why do governments do this? (To honor them and—in some cases—to show that a new leader has taken office.)

Point out that there are other symbols of the Presidency—for example, the Presidential Seal on the chart. Ask students to guess the meaning of the symbols in this Seal: the circle of 50 stars for the states, the 13 plumes behind the eagle for the 13 original states in the U.S., the olive branch for peace, and the arrows for war).

Discuss with children: What might each of these symbols have to do with being a President? Read aloud the phrase in Article II, Section 2, that describes the President as Commander in Chief of the Army and Navy.

See also the activity in **TE-E5** and the **ANSWERS**, below.

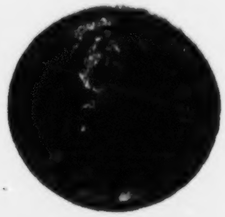
5. Oral History. Suggest to students that they ask the

PRESIDENTIAL BICENTENNIAL WALL CHART
VISUALIZING THE FUTURE

Draw Yourself as the President!

A. Each coin has a picture of a President. Put an X over the coin that is 25 cents.

George Washington



Franklin Roosevelt

Thomas Jefferson

Abraham Lincoln

B. If you were the President, would you look happy or serious? Pretend you are the President. Draw your face on this coin.

C. How will you help America, if you become the President?

____

Activity to accompany "United States Presidents, 1789 to 1989," a classroom wall chart sponsored by the Commission on the Bicentennial of the United States Constitution. Permission to reproduce this page is granted to Scholastic News subscribers.

SKILLS HANDBOOK

Junior Scholastic • Search • Update

200 YEARS OF THE U.S. CONGRESS

1789–1989

UNITED STATES CONSTITUTION ★ 1787-1791 ★ BICENTENNIAL ★ 1987-1991

We The People

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SCHOLASTIC

Sponsored by the Commission on the Bicentennial of the United States Constitution

INTRODUCTION

March 4, 1989 is the 200th anniversary of the convening of the first session of the first U.S. Congress, marking the commencement of national government under the Constitution. To celebrate this event, the Commission on the Bicentennial of the United States Constitution and Scholastic Inc. are delighted to present this *Skills Handbook* for your classroom use. The reproducible Skills Worksheets and Facts Sheets are designed to complement your history and civics texts and Scholastic social studies magazines. They are also intended to stimulate classroom projects and independent research by your students.

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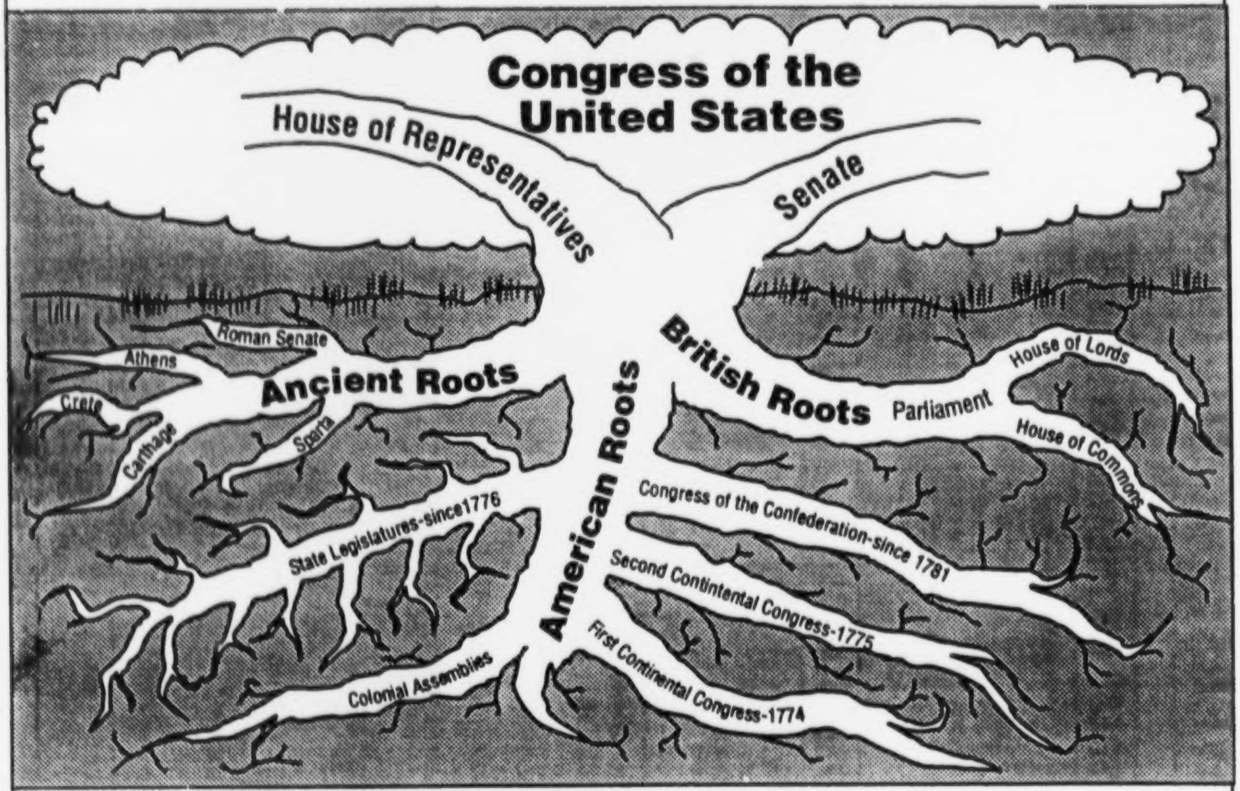
This Skills Handbook on the U.S. Congress is one of several educational projects on the U.S. Constitution sponsored by the Commission on the Bicentennial of The United States Constitution. The Chairman of the Commission is Warren E. Burger. Members are Frederick K. Biebel, Lindy Boggs, Herbert Brownell, Lynne V. Cheney, Philip M. Crane, Dennis DeConcini, William J. Green, Edward Victor Hill, Cornelia G. Kennedy, Edward M. Kennedy, Harry McKinley Lightsey, Jr., William Lucas, Betty Southard Murphy, Thomas H. O'Connor, Phyllis Schlafly, Bernard H. Siegan, Ted Stevens, Obert C. Tanner, Strom Thurmond, Ronald H. Walker, Charles E. Wiggins, Charles Alan Wright.

The Handbook was produced by the editors of Scholastic Inc. in cooperation with Herbert M. Atherton, Sheila McCauley, Jack Barlow, and Michael Feld of the Bicentennial Commission on the Constitution, with Raymond W. Smock of the U.S. House of Representatives Office for the Bicentennial, and with Richard A. Baker, U.S. Senate Historian. Assistance was provided by Members of Congress and their staffs. Special thanks are also due to Richard Bernstein of the New York City Commission on the Bicentennial of the Constitution.

SKILLS WORKSHEET

Name ______________________ Class __________ Date __________

HISTORICAL ROOTS OF THE U.S. CONGRESS



How should Congress be organized? The Framers of the U.S. Constitution spent a lot of time arguing over this question. As they formed our Federal legislative branch, the Framers studied ancient, British and American models. The *tree chart* above shows these historical roots of the U.S. Congress. Refer to the chart to answer the questions below.

1. Two branches of the tree chart show that Congress is *bicameral*—organized into two "houses" or parts. What are these parts called?

   ____

2. One of the *main* roots of the U.S. Congress was the British Parliament. What were the other two?

   ____

3. The U.S. Senate gets its name from the senate in ancient Rome. What other ancient republics were models for Congress?

   ____

4. Which of the historical roots shown in the chart do you think most influenced the Framers when they planned Congress? Write your answer in a paragraph on the other side of this sheet.

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SEPARATION OF POWERS — CHECKS AND BALANCES

CONGRESS OF THE UNITED STATES

Legislative Powers:

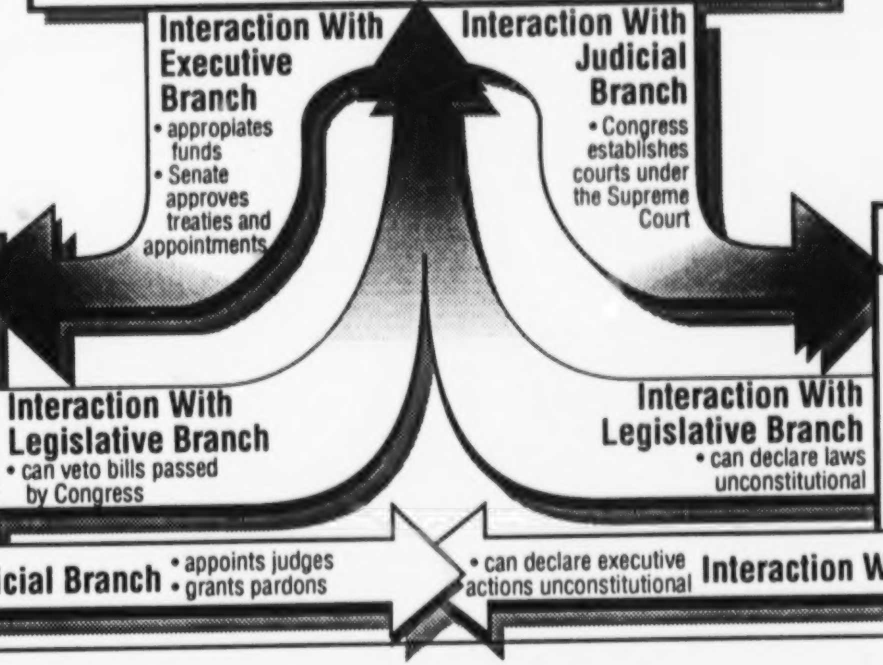
- lay and collect taxes
- borrow money
- regulate commerce
- coin money
- declare war
- establish post offices
- raise and support army and navy
- make rules for U.S. territories
- admit new states to the union
- make laws to carry out other powers

HOUSE OF REPRESENTATIVES

- originate all bills to raise money
- impeach (accuse) U.S. officials

SENATE

- approve treaties
- approve Presidential appointments
- try accused U.S. officials



Interaction With Executive Branch

- appropiates funds
- Senate approves treaties and appointments

Interaction With Judicial Branch

- Congress establishes courts under the Supreme Court

PRESIDENT

Executive Powers:

- execute laws of the U.S.
- Commander-in-Chief of armed forces
- make treaties
- appoint ambassadors, judges, other officials

Interaction With Legislative Branch

- can veto bills passed by Congress

Interaction With Judicial Branch

- appoints judges
- grants pardons

SUPREME COURT

Judicial Powers:

Hear and decide cases

- under the Constitution, U.S. laws, and treaties
- between 2 or more states
- between citizens of different states

Interaction With Legislative Branch

- can declare laws unconstitutional

Interaction With Executive Branch

- can declare executive actions unconstitutional

SKILLS WORKSHEET

Name ______________________________ **Class** ____________ **Date** ____________

CONGRESS: THE FIRST BRANCH OF A THREE-BRANCH GOVERNMENT

SEAL OF THE SUPREME COURT OF THE UNITED STATES
UNITED STATES SENATE
E PLURIBUS UNUM
HOUSE OF REPRESENTATIVES UNITED STATES
SEAL OF THE PRESIDENT OF THE UNITED STATES

Why is Congress called the "First Branch" of the U.S. Government? The United States Government consists of three branches: *legislative*, *executive*, and *judicial*. Congress, the legislative branch, is the first branch mentioned in the U.S. Constitution. It was the first to convene, and is considered closest to the people.

Separation of Powers

The Constitution gives separate powers to the three branches. The diagram on the other sheet illustrates this "separation of powers." Refer to the diagram to answer the questions below.

1. Which of the following are powers of Congress?
   - ____ to borrow money
   - ____ to declare war
   - ____ to hear and decide cases
   - ____ to collect taxes
   - ____ to make treaties
   - ____ to make laws
2. Which part of Congress, the House of Representatives or the Senate
   a) approves treaties? ______________________________
   b) originates all bills to raise money? ______________________________

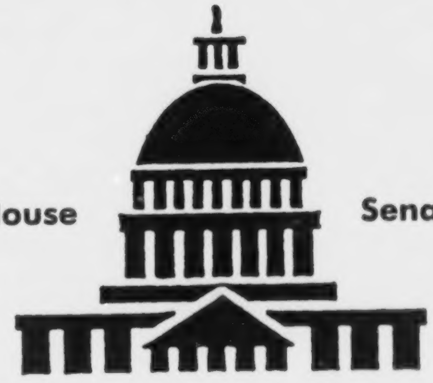
"Shared Powers"

Congress interacts with the other branches of government. Study the "shared powers" shown by the arrows in the diagram. Refer to the diagram to answer the questions below.

3. The legislative power is the power to make laws. What "legislative power" does the President "share" with Congress?
____
4. What "legislative power" does the Supreme Court "share" with Congress?
____
5. Which house of Congress could reject the appointment of a judge?
____
6. What power can members of the House of Representatives use to limit actions of the President? Can you think of an example of how this power might be used?

SKILLS WORKSHEET

Name ______________________ Class ____________ Date ____________



House

Senate

HOW A BILL BECOMES LAW

House

Bill

BILL INTRODUCED: Representative(s) submit proposal for new law. At this stage, it is called a "bill."

ASSIGNED TO COMMITTEE for study:

SUBCOMMITTEE: holds hearings and makes revisions.

FULL COMMITTEE: may lay the bill aside (table it) or release it (report it out) with a recommendation to pass it.

RULES COMMITTEE: This committee makes rules for debating the bill in the House and decides when the bill will be up for debate. It determines how long debate will last.

"FLOOR" ACTION: The full House debates the bill and may add amendments. If a *simple majority* (one more than half) of Representatives vote for it, the bill "passes" and goes to the Senate.

to Senate

Senate

Bill

BILL INTRODUCED: Senator(s) submit proposal for new law. At this stage, it it called a "bill."

ASSIGNED TO COMMITTEE for study:

SUBCOMMITTEE: holds hearings and makes revisions.

FULL COMMITTEE: may lay the bill aside (table it) or release it (report it out) with a recommendation to pass it.

"FLOOR" ACTION: The full Senate debates the bill and may add amendments. Senators can debate a bill continuously unless they vote to limit discussion. For most bills, when a simple majority of Senators vote for it, the bill "passes" and goes to the House.

to House

CONFERENCE COMMITTEE: When related bills have passed both houses, a conference committee is formed with some members of each house. They meet to work out differences between the two versions of the bill.

HOUSE must vote to approve the compromise version of the bill.

SENATE must vote to approve the compromise version of the bill.

PRESIDENT OF THE UNITED STATES: has 10 days (except Sundays) to consider the bill. The President can either

Law

- sign the bill—which then becomes law, or

Veto

- veto (reject) the bill and return it to Congress.

SKILLS WORKSHEET

Name ______________________________ **Class** ____________ **Date** ____________

How A Bill Becomes Law

Suppose that your community has elected someone to Congress who has a plan to help public schools. Now, to become a law, that proposal must go through a series of steps in a long process, which could take from several months to more than a year.The *flowchart* on the other sheet shows some of the main steps in this process.

Most legislative proposals, or "bills," can be introduced in either the House of Representatives or the Senate. Often, similar bills are introduced in both houses at the same time. Both houses of Congress must approve identical forms of a bill before it can become law.

The House of Representatives

Imagine that your Representative is introducing a bill in the House. Refer to the flowchart to complete the exercise below.

1. Here are six steps that the bill must go through in the House of Representatives. The steps are all mixed up. Number them in correct order, from 1 to 6.

________ Subcommittee holds hearings.

________ Rules Committee makes rules for debate.

________ Full House debates and votes on the bill.

________ Representative introduces the bill.

________ The bill is assigned to a Committee.

________ The Full Committee "reports the bill out."

The Senate

When the bill passes the House, it then must go to the Senate. The Senate may consider that bill or a similar one introduced by its own members. Compare the steps the bill goes through in the Senate with those in the House. Answer the questions below.

2. Which steps are unlike in both the House and the Senate?

3. How is the process in the Senate different from that in the House?

Conference Committee and the President

Study the rest of the steps in the flowchart and answer the following.

4. After the House and Senate approve different versions of a bill, what three steps take place before the bill can go to the President?

5. What happens to the bill if the President signs it?

6. A bill can pass either house of Congress with a *simple majority*. Yet the Constitution requires that at least two-thirds vote of both houses is necessary to override the President's veto. Why do you think this is so? Explain your answer on the other side of this sheet.

THE FIRST U.S. CONGRESS

The Constitution provides that each State shall have two Senators chosen for six-year terms. (One third of the Senate is chosen every two years.) Members of the House of Representatives are elected for two years and are apportioned among the States according to their populations.

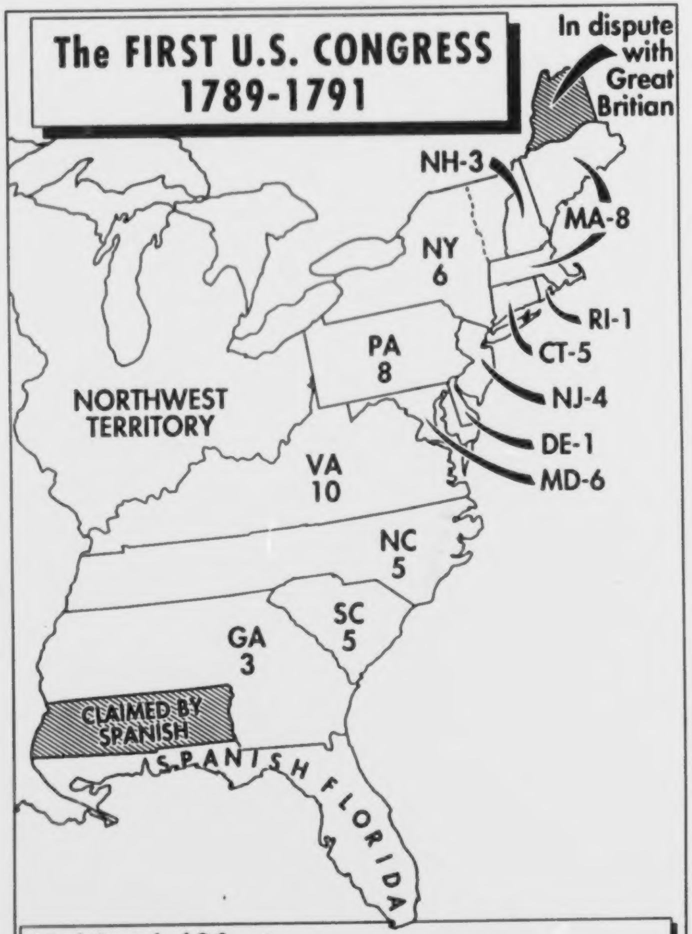
After ratification of the Constitution by all 13 States, the First Congress had 26 Senators and 65 Representatives. Since then a *census* or counting of the population has been taken every 10 years to determine how many Representatives each State should have.

Study the map of the First Congress at the right. Answer the questions below.

1. In what years did the First Congress meet? ________________
2. How many Representatives were in the First Congress from Connecticut? ________ Delaware? ________ Virginia? ________
3. During the Constitutional Convention, there had been bitter arguments over how States should be represented in Congress. Large States wanted all States to be represented according to the sizes of their populations. Small States wanted all States to be represented equally.
   - a) Judging from the map, which States in 1789 were "large" States? ________________________________
   - b) Which States were "small"? ________________________________
     ____
   - c) How did the actual representation in Congress reflect a "compromise"? ________________________________
     ____

Bonus Question: How many Senators and Representatives were there in Congress on July 4, 1789? ________________

The FIRST U.S. CONGRESS
1789-1791



- Each State had 2 Senators
- Numbers on map indicate Representatives
- North Carolina ratified the Constitution on November 21,1789
- Rhode Island ratified the Constitution on May 29, 1790

Name ________________
Class ________________
Date ________________

SKILLS WORKSHEET

SKILLS WORKSHEET

Name ________________ Class ________ Date ________

The 101st U.S. CONGRESS

The U.S. Congress has grown in 200 years along with the nation. Whereas the First Congress had 91 members altogether, today there are 100 Senators, and 435 Representatives in the 101st Congress.

Compare the map below with that of the First Congress and answer the following.

1. During which calendar years will the 101st Congress meet? ________________
2. In the 101st Congress, how many Senators does *your* State have? ________________

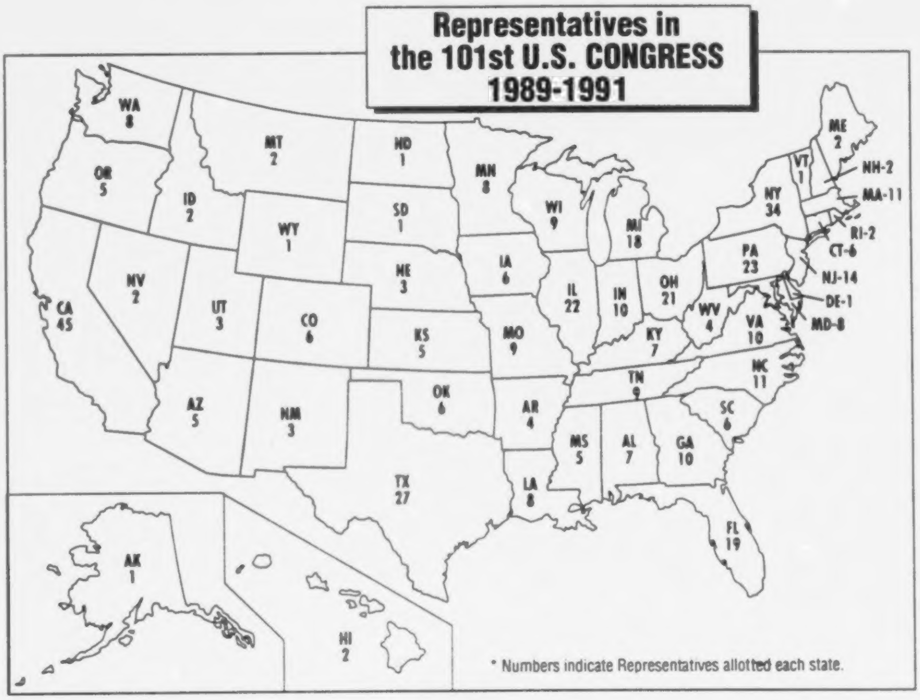
   How many Representatives? ________________
3. Which States in the 101st Congress have the same number of Representatives as they had in the First Congress? ________________

   ____
4. As the nation's population increased, the members of the House of Representatives also increased in number. After the census of 1910, Congress decided to fix the total membership of the House at 435. That being so, how do you think Representatives are allotted when a new State joins the Union? ____

   ____

   ____

Bonus Question: How many States are there today in the area shown on the map of the First Congress? ________ How many Representatives do these States have in the 101st Congress? ________



Representatives in the 101st U.S. CONGRESS 1989-1991

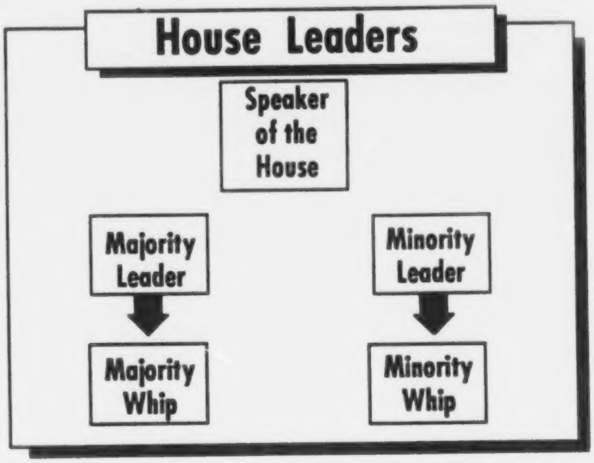
* Numbers indicate Representatives allotted each state.

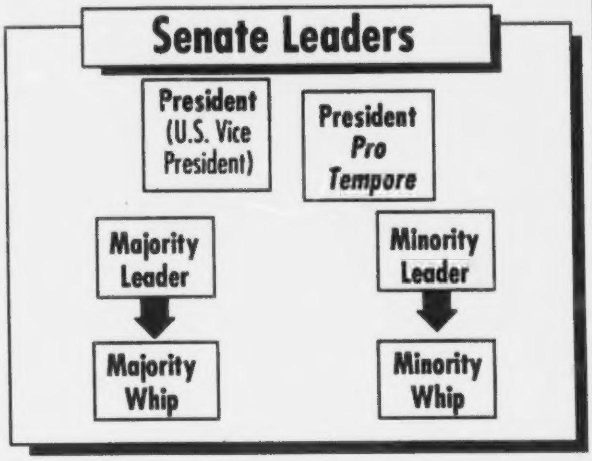
SKILLS WORKSHEET

Name ______________________ Class ____________ Date ____________

Leaders and Parties in the U.S. Congress

Would you like to work as a Congressional "Page"? To qualify, you must be a junior in high school. Every school day, you would begin classes at 6:30 AM at the special Page School. After school, you would work delivering messages and carrying legislative material to Members of the House of Representatives or Senate. Only a few teenagers can be chosen each year for this exciting, but demanding, job. Here are some of the officials you might work with if you were a Congressional Page.





The three top leadership jobs in Congress are mentioned in the U.S. Constitution. Find them on the charts above. Complete each statement below with the best answer.

1. The leader of the House of Representatives is called the ______________________.
2. The President of the Senate is also the ______________________.
3. When the Senate's President is absent, the ____________ Pro ____________ is in charge.

The Framers of the Constitution did not want political parties in government, but political parties did develop anyway. Study the charts above and the table on the other sheet to answer these questions.

4. The majority and principal minority parties in each house of Congress elect their own leaders. What are these leaders called? ______________________
5. Party officials, called "Whips," are also elected to assist party leaders. How many "Whips" are there in Congress? ______________________
6. Which parties are represented by these letters in the table? (Check the key.)
   D ____________ J ____________ R ____________ W ____________
7. The "Democratic" party first became a majority party in the 21st Congress, in what year? ____________
8. The Republicans became one of the major parties in Congress for the first time in 1855, during which Congress? ______________________
9. To which political party did the Senate Majority Leader belong in 1947? ________ 1967? ________
10. You are a Congressional Page in the 'House' in 1989. You must deliver a message to the Minority Leader, who is a member of which party? ______________________

60

FACTS WORKSHEET

Name ______________________ Class __________ Date __________

Political Parties in the U.S. Congress

Congress		HOUSE		SENATE	
No.	Year Began	Maj	Min	Maj	Min
1	1789	Ad	Op	Ad	Op
2	1791	F	DR	F	DR
3	1793	DR	F	F	DR
4	1795	F	DR	F	DR
5	1797	F	DR	F	DR
6	1799	F	DR	F	DR
7	1801	DR	F	DR	F
8	1803	DR	F	DR	F
9	1805	DR	F	DR	F
10	1807	DR	F	DR	F
11	1809	DR	F	DR	F
12	1811	DR	F	DR	F
13	1813	DR	F	DR	F
14	1815	DR	F	DR	F
15	1817	DR	F	DR	F
16	1819	DR	F	DR	F
17	1821	DR	F	DR	F
18	1823	DR	F	DR	F
19	1825	Ad	J	Ad	J
20	1827	J	Ad	J	Ad
21	1829	D	NR	D	NR
22	1831	D	NR	D	NR
23	1833	D	AM	D	NR
24	1835	D	W	D	W
25	1837	D	W	D	W
26	1839	D	W	D	W
27	1841	W	D	W	D
28	1843	D	W	W	D
29	1845	D	W	D	W
30	1847	W	D	D	W
31	1849	D	W	D	W
32	1851	D	W	D	W
33	1853	D	W	D	W
34	1855	R	D	D	R
35	1857	D	R	D	R
36	1859	R	D	D	R
37	1861	R	D	R	D
38	1863	R	D	R	D
39	1865	U	D	U	D
40	1867	R	D	R	D
41	1869	R	D	R	D
42	1871	R	D	R	D
43	1873	R	D	R	D
44	1875	D	R	R	D
45	1877	D	R	R	D
46	1879	D	R	D	R
47	1881	R	D	R	D
48	1883	D	R	R	D
49	1885	D	R	R	D
50	1887	D	R	R	D
51	1889	R	D	R	D
52	1891	D	R	R	D
53	1893	D	R	D	R
54	1895	R	D	R	D
55	1897	R	D	R	D
56	1899	R	D	R	D
57	1901	R	D	R	D
58	1903	R	D	R	D
59	1905	R	D	R	D
60	1907	R	D	R	D
61	1909	R	D	R	D
62	1911	D	R	R	D
63	1913	D	R	D	R
64	1915	D	R	D	R
65	1917	D	R	D	R
66	1919	R	D	R	D
67	1921	R	D	R	D
68	1923	R	D	R	D
69	1925	R	D	R	D
70	1927	R	D	R	D
71	1929	R	D	R	D
72	1931	D	R	R	D
73	1933	D	R	D	R
74	1935	D	R	D	R
75	1937	D	R	D	R
76	1939	D	R	D	R
77	1941	D	R	D	R
78	1943	D	R	D	R
79	1945	D	R	D	R
80	1947	R	D	R	D
81	1949	D	R	D	R
82	1951	D	R	D	R
83	1953	R	D	R	D
84	1955	D	R	D	R
85	1957	D	R	D	R
86	1959	D	R	D	R
87	1961	D	R	D	R
88	1963	D	R	D	R
89	1965	D	R	D	R
90	1967	D	R	D	R
91	1969	D	R	D	R
92	1971	D	R	D	R
93	1973	D	R	D	R
94	1975	D	R	D	R
95	1977	D	R	D	R
96	1979	D	R	D	R
97	1981	D	R	R	D
98	1983	D	R	R	D
99	1985	D	R	R	D
100	1987	D	R	D	R
101	1989	D	R	D	R

KEY : Maj. Majority Party / Min. Principal Minority Party

Ad Administration
AM Anti-Masonic
D Democratic
DR Democratic- Republican
F Federalist
J Jacksonian
NR National Republican
OP Opposition
R Republican
U Unionist
W Whig

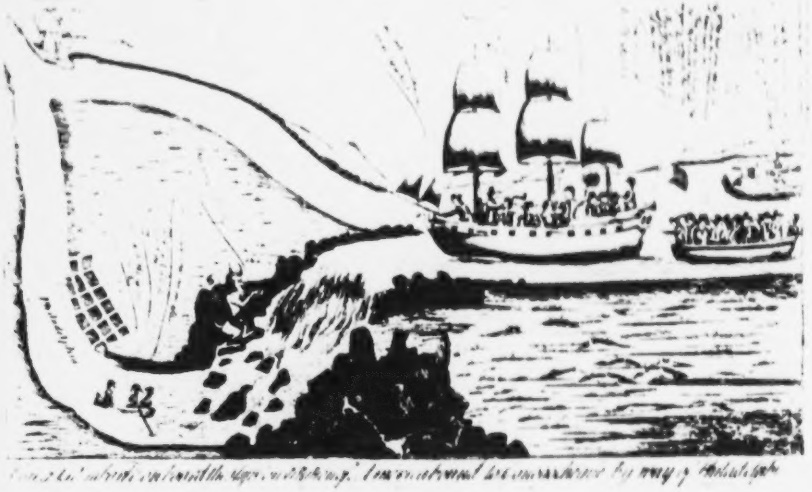
Source: *Congress from A to Z*, Congressional Quarterly, 1988

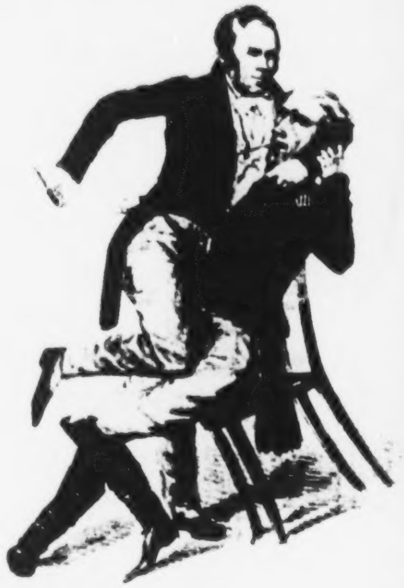
TIMELINE VIEWS OF CONGRESS

Cartoon Comments 1789-1889

Rocky Voyage to Philadelphia

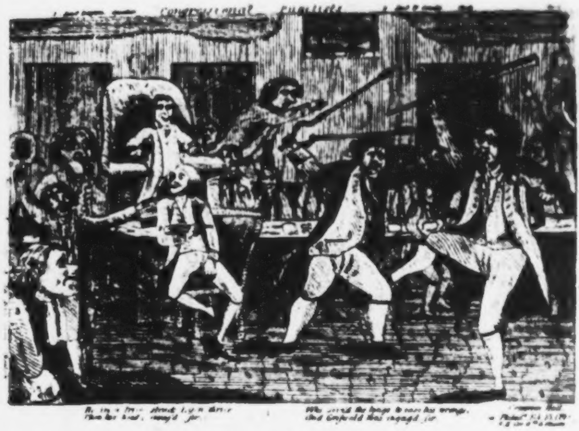
Congress voted to make Philadelphia U.S. capital from 1790 to 1800 while the new Federal City on the banks of the Potomac River was being built. The cartoon shows Congress on the good ship, "Constitution" making a perilous voyage to Philadelphia. Did the cartoonist think it was a wise move?





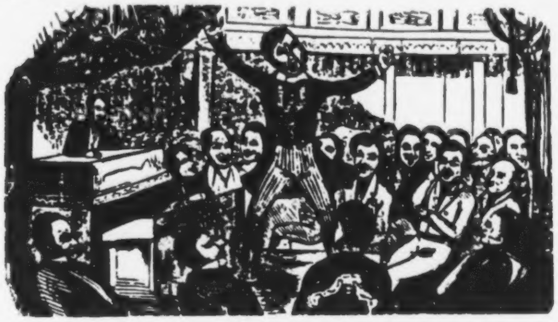
Silencing the President

President Jackson frequently clashed with Congress, particularly the Senate. In 1834, he sent a protest to the Senate and demanded that it be published. Led by Clay, the Senate voted to exclude the protest, thus silencing the President. The cartoon shows Clay giving Jackson a "locked jaw."



"Hammer-and-Tongs" Politics

Several of the nation's founding fathers opposed political parties. They feared that party politics could lead to clashes such as the one in 1798 between Anti-Federalist Matthew Lyon of Vermont and Federalist Roger Griswold of Connecticut in the House of Representatives. Does the cartoon express outrage or amusement over the clash?



Davy Crockett Perks Up the House

In the 19th century, the Senate was considered "aristocratic" while the House was seen as the place of "ordinary" people. Representative Davy Crockett of Tennessee helped maintain that image. From 1827 to 1835, he often amused fellow members with tall tales from the back woods. But he also gained a reputation as a shrewd, knowledgeable politician.

1789 **1799** **1809** **1819** **1829**

New York City church bells rang in the first session of the First U.S. Congress on March 4, 1789. This was the beginning of government under the Constitution. Only 13 Representatives and 8 Senators showed up on that day. Neither body had a quorum—the minimum number of members required to transact business—for several weeks. With the arrival of the 30th Representative on April 1, the House achieved a quorum and went to work organizing itself. The Senate got its quorum on April 6, and the full Congress started functioning on that day. Congress, the first branch of the U.S. government, has been going strong ever since.

Running for Congress, 1867 Style

White politicians running for Congress in the South right after the Civil War needed support from blacks. The cartoon shows former rebel officer, Wade Hampton, asking for the vote of a former slave.

Preview of the Civil War

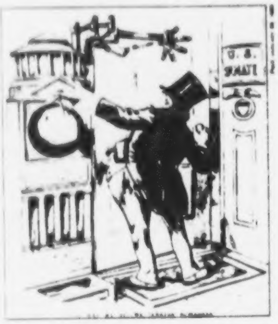
In a 1856 speech against slavery, Senator Charles Sumner of Massachusetts called South Carolina "a blot on civilization." Hearing of this, Representative Preston Brooks of South Carolina stormed into the Senate Chamber and beat Sumner on the head. Does this cartoon reflect a Northern or Southern view of the event?

"A Harmless Explosion"

Angry with President Garfield, Roscoe Conkling, who had been Republican Senator from New York since 1867, resigned in 1881. He talked junior Senator Tom Platt into resigning with him. They expected to be renamed, thus embarassing Garfield. But the New York legislature elected two Garfield supporters instead.

"Buying" A Senate Seat

The Constitution called for the election of U.S. Senators by their state legislatures. By the 1880's, critics charged that wealthy men could buy their way into the Senate.



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1839 1849 1859 1869 1879 1889

TIMELINE VIEWS OF CONGRESS

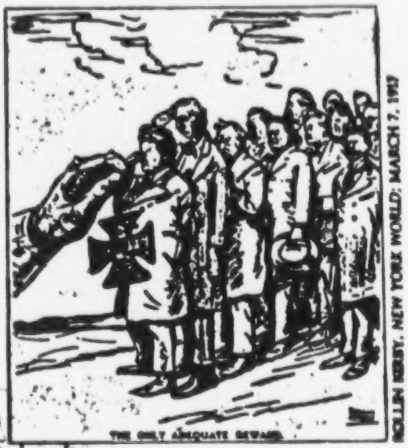
Cartoon Comments 1889-1989

New Image for the Senate

Fiery Ben Tillman (D, SC) was one of several colorful Senators of the turn-of-the-century period who banished what some considered the "dignified" image of the Senate. Tillman was called "Pitchfork Ben" because he once threatened to stick a pitchfork into President Cleveland's ribs.

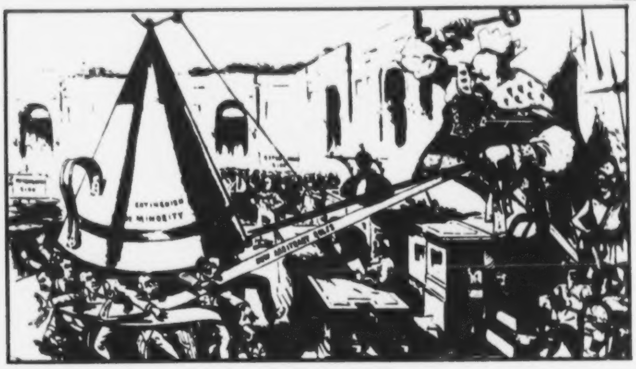
War-Making Powers

When Congress declared war against Germany on April 6, 1917, 50 Representatives and 6 Senators voted "No." They were bitterly criticized by President Wilson. How did this cartoon view their stand?


THE ONLY ADEQUATE REWARD
ROLLIN KIRBY, NEW YORK WORLD, MARCH 7, 1917

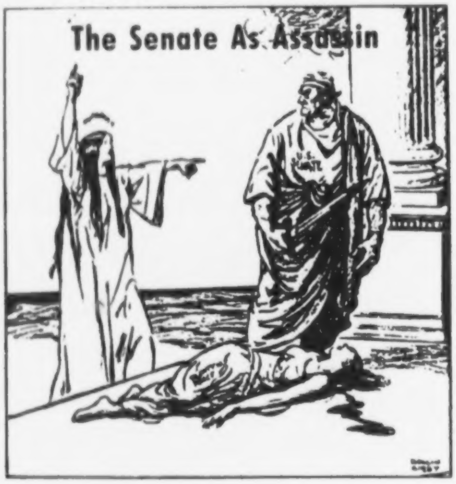
The Senate As Savior

The cartoons left and below show opposing views of the Senate's failure to approve the Peace Treaty that ended World War I and created the League of Nations.



Rule-Making Power in the House

According to this 1890 cartoon, Speaker-of-the-House Tom Reed behaved like a king using "arbitrary" rules to squelch the minority. On the other hand, many historians say that Reed's efficient rules improved the working of the House.



1889 **1899** **1909** **1919** **1929**

Except for the periods of Jackson, Polk, and Lincoln, Congress dominated government from 1789 to 1889. The next 100 years was marked by several strong, activist Presidents and a shift in the center of power from Capitol Hill to the White House. Cartoons of this period often picture Congress as a slowpoke, a big spender, an obstructionist, or a rubber stamp. Yet the same period has been marked by Congressional giants such as Reed, Cannon, La Follette, Rayburn, and Robert A. Taft, and by far-reaching social legislation.

Filibuster

Long speeches to delay or block legislation have long been part of Congressional debate. But filibustering set new records in the 1950s and 60s. One senator spoke nonstop for 24 hours, 18 minutes in September 1957.

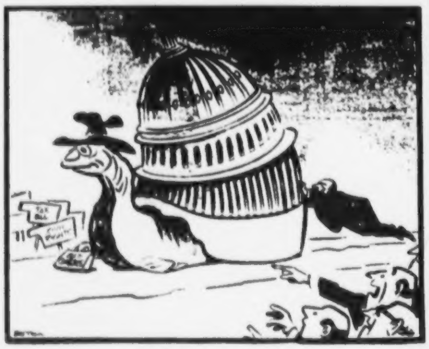
MOTHER GOOSE
THROAT SPRAY 5 GAL
ANTI-SLEEP PILLS
SHAKESPEARE'S COLLECTED WORKS
DECLINE AND FALL GIBBON - VOL. I
THE BOOP FAMILY COOK BOOK
WASHINGTON CITY DIRECTORY
THE PLUMBER'S ENCYCLOPEDIA
WELLESLEY YEAR BOOK - 1916
OXYGEN
FOOT BALM
SALT
VITAMIN B CAPSULES

"Alphabet Soup" of the 30's

During the first 100 days of the F.D. Roosevelt administration, Congress approved numerous programs and agencies to fight the great depression. These programs, known by initials such as NRA, CCC and TVA, were called alphabet soup legislation.

Snail's Pace

Congress has often been called a slowpoke on legislative action desired by a particular administration. From what period is this cartoon?

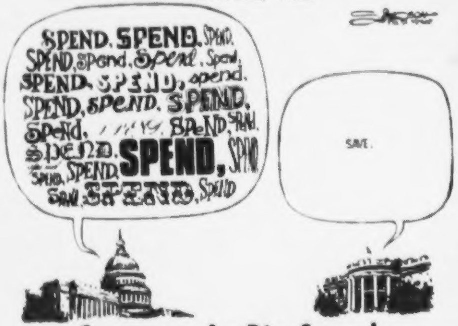

"Look, it's moving — I think!"

Caught in the Middle

Congress is criticized by look-alike citizens. The one on the left says Congress is just a rubber stamp approving everything F.D. R. wants. The citizen on the right says Congress is not doing enough to support the President.

President Vs. Congress, 1950s

In 1951, President Truman complained that Congress was restricting his powers. Did this cartoon agree?


SPEND, SPEND, SPEND, SPEND, spend, Spend, Spend, SPEND, SPEND, spend, SPEND, SPEND, SPEND, SPEND, SPEND, SPEND, SPEND, SPEND, SPEND, SPEND, SPEND
SAVE.

Congress As Big Spender

In the 1980s, Congress was often seen as a source of constant pressure for spending, while the White House alone called for saving. Of course this is one viewpoint. Because of the defense budget, many people say that the spend, spend pressure is really from the White House.

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1939 1949 1959 1969 1979 1989

SKILLS WORKSHEET

Name ______________________ Class __________ Date __________

MOVERS AND SHAPERS OF CONGRESS
Representatives and Senators Who Have Had a Significant Influence on Congress

Back in 1867, Representative Thaddeus Stevens of Pennsylvania declared that the U.S. has "a Government of the people, and Congress is the people."

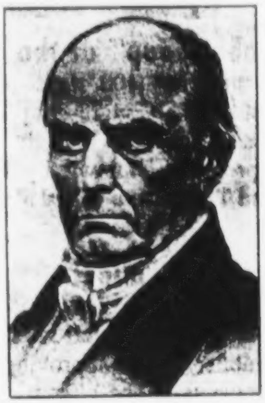
From the 1st to the 101st Congress, this legislative body has been constantly evolving to reflect the moods of the times and to better represent the people. More than 11,000 men and women have served in Congress. Many have played a major role in moving and shaping Congress. We can't mention them all. Here are a few:

John Randolph, (VA) 1773-1833

"I am an aristocrat. I love liberty; I hate equality." John Randolph saw no conflict in calling himself an "aristocrat" and at the same time being an outspoken champion of representative democracy and individual liberty. He felt that an educated elite could best represent the interests of the people. Serving in the House of Representatives during most of the period from 1799 to 1829, Randolph opposed the annexation of Florida, the War of 1812, and protective tariffs. He defended states' rights. Though he freed his own slaves, Randolph supported slavery and opposed the Missouri Compromise.

Henry Clay, (KY) 1777-1852

During several terms as Speaker of the House (1810 -14, 1815 - 21, and 1823 - 25), Henry Clay supported Western expansion, Federal aid for roads, canals, and other local improvements, and tariff protection of American industry. He was a backer of the War of 1812. In 1821, he led the fight for the Missouri Compromise which balanced regional interests. He was elected to the Senate in 1831, and there he made his reputation as the "great compromiser." During the summer of 1850, a debate raged in Congress over the issue of admitting California to the Union as a free state, thus alienating the slave states. Clay helped to break the deadlock by a compromise that admitted California but made concessions to the South.



Daniel Webster, (MA) 1782-1852

Throughout his public life as Representative, Secretary of State, and Senator, Daniel Webster often put national interest before personal or regional interests. During the great debate of 1850, Webster—a strong opponent of slavery—backed Clay's compromise. He said, "I speak today not as a Massachusetts man, nor as a Northern man, but as an American." Thanks to his support, the compromise passed. Since many Northern anti-slavery were bitterly opposed to it, Webster lost friends. But the Union was saved.

Hiram R. Revels, (MS) 1822-1901

A noted educator and religious leader, Hiram Revels was elected in 1870 by the Mississippi state legislature to fill an unexpired U.S. Senate term. As the first black member of Congress, Revels called for desegregation of the schools and railroads. Concerned with healing the scars left by the Civil

Name ________________________________ **Class** ____________ **Date** ____________

War, he supported legislation to restore the vote to former officials and soldiers of the Confederacy.

Thomas B. Reed, (ME) 1839-1902

As Speaker of the House from 1889 to 1891, and from 1895 to 1899, Tom Reed pushed through a number of procedural changes, "Reed's Rules," to streamline the working of the House. Since Reed was a vigorous Republican party leader, he was charged with using dictatorial rule-making powers to ensure majority control of the House. However, many Democrats accepted Reed's Rules. They realized that their turn to be in the majority would come someday, and, in the meantime, the House functioned more efficiently.

Jeannette Rankin, (MT) 1880-1973

On April 2, 1917, the opening day of the 65th Congress, the chamber of the House of Representatives echoed with cheers and applause as one member was sworn in. What was so special about that member? Jeanette Rankin, a Republican Representative from Montana, was a member of Congress. She had long been active in the campaign to gain suffrage, the right to vote, for women in all states. Her election was seen as a giant step in that direction. Suffrage for women throughout the U.S. was secured on August 26, 1920 with ratification of Amendment XIX to the U.S. constitution.

Sam Rayburn, (TX) 1882-1961

First elected to the House of Representatives in 1912, Sam Rayburn of Texas was reelected 25 times. He helped draw up Franklin Roosevelt's New Deal program and was often called "Mr. Democrat." He became Speaker of the House in 1940 and held that position for 17 years. He was respected in Congress for his common sense, honesty, and patriotism.

Robert A. Taft, (OH) 1889-1953

Affectionately known as "Mr. Republican," Robert Alphonso Taft was a champion of traditional conservatism in the U.S. Senate from 1939 to 1953. During the Franklin Roosevelt and Truman administrations, he denounced the "socialist trends" of the New Deal and Fair Deal programs. Because he opposed several policies that he felt would entangle the U.S. in foreign affairs, he was often at odds with the "internationalist" branch of his own party.

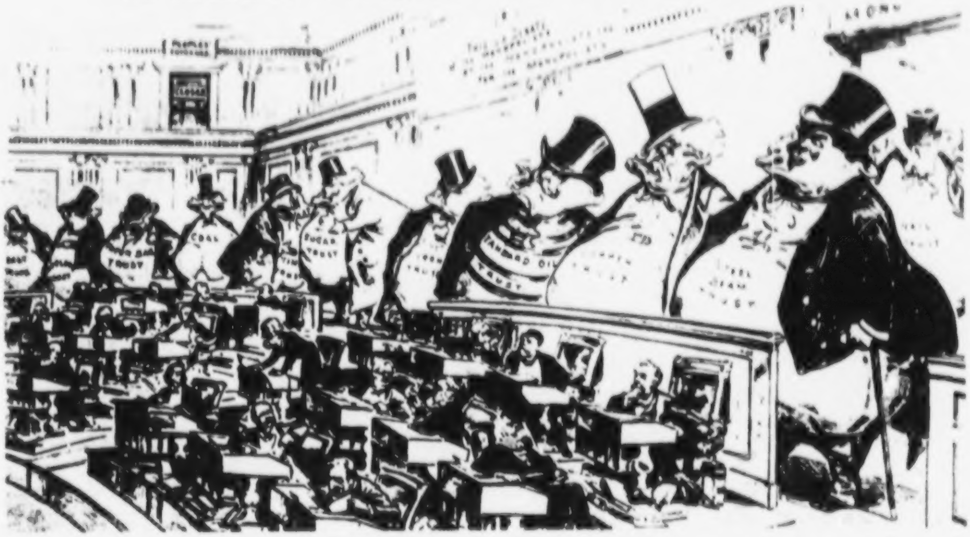
DISCUSSION QUESTIONS:

1. John Randolph and Henry Clay were in the House of Representatives around the same time. Based on their views of the issues, do you think they were usually allies or opponents?
2. Why did Daniel Webster support the Compromise of 1850? Did most other Northern anti-slavery Senators agree with him?
3. Was the method of entering the U.S. Senate the same in Hiram Revels' time as it is today?
4. Ratification of Amendment XIX giving women throughout the U.S. the right to vote was completed on August 26, 1920. Could any American woman vote or be elected to public office before that date?
5. Some critics call Speaker of the House Reed, "Czar Reed." Why?
6. During his time in Congress, Robert A. Taft was known as "Mr. Republican." Who was his counterpart, "Mr. Democrat"? Were they in the same house of Congress?

SKILLS WORKSHEET

Name ______________________ Class __________ Date __________

THE BIG SWITCH



This 1889 cartoon echoed widespread criticism that the U.S. Senate was filled with rich men representing giant industries. Such criticism set the stage for "the big switch".

Events Leading to a Change in the Selection of Senators

- ARTICLE I, Section 3, paragraph 1 of the U.S. Constitution originally stated:

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.

- That is not the way U.S. Senators are chosen now. What happened to change the rules?

The election of U.S. Senators by state legislatures was bitterly criticized by much of the press during the final decades of the 19th century. It was said that wealthy men could often "buy" Senate seats by financing pet projects in their home states or by making large donations to the election campaigns of state legislators. A number of reformers argued that the Constitution should be changed to permit the direct election of Senators by the voters of the states. However, it took a major scandal to change the rules.

William Lorimer of Illinois was elected to the U.S. Senate by his state's legislature. Almost immediately, serious charges were made that Lorimer had bribed enough legislators to win the election. Despite the charges, the Senate voted 46-40 to seat Lorimer. A year later, a committee of the Illinois legislature turned up hard evidence against Lorimer. Progressive Republican Senator Robert M. La Follette of Wisconsin persuaded the Senate to reconsider its approval of Lorimer. It did. Lorimer was unseated by a 55-28 vote in 1912.

This hastened the ratification in 1913 of Amendment XVII, which took away the election Senators from the state legislatures and gave it to the people.

In the original Constitution, was the Senate considered to be primarily representative of the people or the states? ____________

What five words did Amendment XVII, section 1 take away from the original Article I, Section 3 of the Constitution? ____________

____

Which scandal helped speed the change in the way Senators are selected? ____________

Were the press and the public completely happy with the selection of Senators before the scandal? ____________

____

DISCUSSION GUIDE

Name ______________________ **Class** __________ **Date** __________

WHAT DOES CONGRESS DO FOR YOU?

THE CONGRESS SHALL HAVE THE POWER . . .

- To lay and collect taxes
- To provide for the common defense and general welfare
- To borrow money
- To regulate commerce with foreign nations and among the several States
- To coin money
- To fix the standard of weights and measures
- To establish post offices and post roads
- To set up Federal courts under the Supreme Court
- To help individual constituents with their problems
- To promote science and the useful arts by granting copyrights and patents to authors and inventors.
- To declare war
- To raise and support armies
- To provide and maintain a navy
- To make laws for the national capital and all other places purchased for use by the U.S. Government
- To make all laws which are "necessary and proper" for carrying out the above powers and the powers of the U.S.

RECENT BILLS AND LAWS IN CONGRESS

- a law providing drought relief to farmers whose crops and livestock were threatened by dry weather
- a law authorizing $4 billion to develop a nationwide anti-missile defense system
- a law authorizing $8 billion to fund education programs and bring courses to classrooms through satellite-TV
- a law to improve health insurance benefits for the elderly
- a tax-exemption on interest from U.S. Savings Bonds for parents who use the interest to pay for their children's college education
- a law allowing a company to register a trademark with the U.S. Patent and Trademark Office before actually using the trademark
- a bill to limit imports of shoes, other clothes, and textiles from foreign countries

The U.S. Constitution gives Congress the power to do certain things. Some of these powers are listed at the top of this page. Read through the list and follow the directions below.

1. Below the list of powers are some bills which were recently considered or passed by Congress.
   a. Which constitutional power authorized Congress to deal with each law or bill? Explain.
   b. How might each law or bill affect you or your family, directly or indirectly?

2. Review the powers of Congress again. Which powers of Congress affect you or other people in your family every day? Explain how. (You should think of at least four.)

ACTIVITY GUIDE

Name ______________________ **Class** __________ **Date** __________

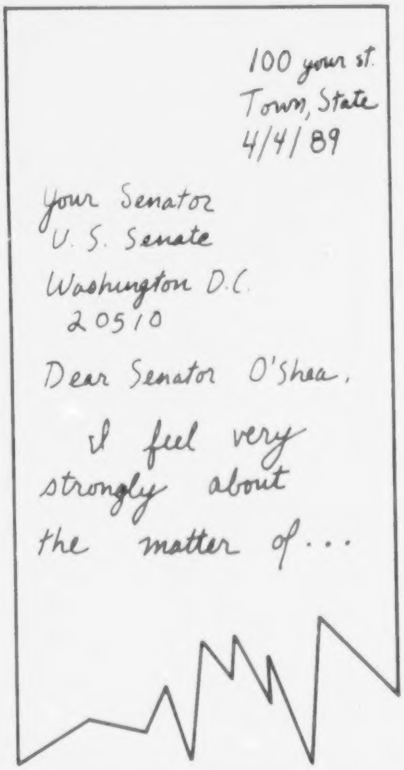
YOU CAN INFLUENCE CONGRESS

Should the Federal Government spend more or less money on defense? health benefits? education? Should workers get a higher minimum wage? Maybe there should be stiffer laws against pollution. Members of Congress consider questions like this every day. Because they are elected to represent *you*, members of Congress want to know how you and other *constituents* (people whom they represent) feel about issues. You can influence the way your Representative or Senators vote in Congress, by letting them know what you think.

MAKING CONTACT

You can contact members of Congress in several ways. First you must know who they are and where to reach them. Check the Blue Pages of a local telephone directory under "United States Government . . . Congressional Members."

One way to make contact is by *telephoning* the member's office and speaking with a staff person. You can also send a *telegram* or *mailgram*—very useful just before an important House or Senate bill is due for a vote. Many people contact their members of Congress by *writing letters*. Every letter is read by the member of Congress or a staff person, and most letters are answered.



100 your st.
Town, State
4/4/89

your Senator
U. S. Senate
Washington D.C.
20510

Dear Senator O'Shea,

I feel very strongly about the matter of...

TIPS ON WRITING

Type or write your letter clearly in proper letter form: Include your return address and the date at the top right. Just below it, the official's name and address should appear at the left. Address the person by the correct title: "Dear Senator Smith" or "Dear Congresswoman Ortiz." (The title "Congressman" or "Congresswoman" is often used for a member of the House of Representatives.)

Discuss one issue of concern to you, briefly and politely. If you are writing about a specific bill or law, refer to it by its number if you know it. (House bills have the letters "HR" in front of them, such as "HR 5." Senate bill numbers are preceeded by an "S" as in "S 2250." Once a bill becomes public law, it gets a number with the letters "PL.") Mail your letter to your Representative or Senator at the House of Representatives, Washington DC 20515 or the Senate, Washington DC 20510.

What's Your Opinion?

- Who represents you in Congress? (Check the Blue Pages or the 1989 *World Almanac* to find out.)

House of Representatives ______________________________

Senate ______________________________

____

- What national issue or bill in Congress do you have an opinion about?

____

Write a letter to a member of Congress, expressing your opinion.

Name ______________________ Class __________ Date __________

Go To Congress

Every two years, all members of the House of Representatives—and one-third of the Senate—must be elected or reelected to Congress. Campaigning for a congressional election is something like running in a long-distance race. Many candidates may start each race, but most will be stopped at hurdles along the way.

Each candidate, for example, may have to file a petition of several thousand supporters just to get on a ballot. There may be a **primary** election in which candidates of one political party compete to run in the main election. Campaign funds must be raised; endorsements are needed from party leaders. Whatever the hurdles, no candidate can run a congressional campaign without help from a lot of other people.

WORKING AS A VOLUNTEER

Is there a candidate for Congress you especially like? If so, you may want to work for that person's election. Stop by at the campaign headquarters and offer to help. Here are some jobs you might be asked to do as a campaign **volunteer**.

- Wear a campaign button so voters will see—and remember—your candidate's name.
- Distribute campaign flyers and literature at shopping centers or to homes in your neighborhood.
- Address, stuff, seal, and stamp envelopes.
- Prepare and check lists of voters.
- Telephone people to remind them to register and vote.
- File, photocopy, type, and do other office work.
- Plan meetings, rallies, and social events.
- Help get voters to the polls on election day.

You can also contribute your own special talents—writing, speaking, designing posters, and so forth—as a campaign volunteer.

GETTING ACTIVE IN POLITICS

Besides working for a specific candidate, you might want to be active, or even get ahead, in **party** politics. Here are some suggestions to get started:

- Contact the party's local office of the county committee, and offer to help on a campaign.
- Join a local political club, such as the "Young Democrats" or "Young Republicans."
- Let the club or organization know about your special talents or skills, but volunteer for whatever jobs are needed.
- Stay active between campaigns and learn as much as possible.
- Become active in other community organizations to expand your political influence.

Eventually you may decide to run for a local political office—such as the school board or city council. Who knows? With more political experience, you may one day decide to run in your own campaign for Congress!

Think About It

- Do you think you might like to work as a volunteer on a congressional campaign? Why or why not?
- Which jobs of a campaign volunteer would you like the most? the least? Do you have any skills or abilities that would be useful as a campaign volunteer?
- Would you like to be active in politics? Why or why not? What local clubs or party organizations could you join if you wanted to get started in politics?
- What campaign jobs do you think would be most essential in running a successful race for Congress? Explain.

Name ______________________ **Class** __________ **Date** __________

A DAY IN THE LIFE OF A REPRESENTATIVE

Being a member of Congress—whether in the House of Representatives or the Senate—is a very demanding job. In addition to making laws, these legislators must also spend time doing such other things as meeting with constituents and reviewing constituent mail. Here, for example, is a typical daily schedule for one busy member of the House of Representatives.

TUESDAY

HOUSES MEETS AT NOON

8:00 - 9:30 a.m. - Breakfast: State University Briefing Program (leave early)
9:00 a.m. - Office: meet with City Councilman
9:30 a.m. - Office: Meeting on Trade bill
10:00 a.m. - Rayburn Bldg.: Energy & Water Subcommittee Hearing
10:00 a.m. - Capitol: HUD Subcommittee hearing/Consumer Affairs
11:30 a.m. - Capitol steps: Photo session with Franklin High School Students
12 noon - Luncheon honoring the State Governor
2:00 p.m. - Capitol: HUD Subcommittee hearing/Environmental Protection Agency
3:30 p.m. - Office: Meet with HUD Assistant Secretary on Housing bill
4:00 p.m. - Capitol: Strategy meeting - Women's Economic Act
4:45 p.m. - Office: Representatives of State Banking Association
5:15 p.m. - Office: Briefing on Wednesday legislative program

TRY TO ATTEND

4:30 - 6 p.m. - Rayburn: United Auto Workers Reception
5:30 - 7:30 p.m. - Rayburn: Restaurant Association Reception

ATTEND

7:30 p.m. Testimonial Dinner for a House colleague

- Which activities on this Representative's schedule are directly concerned with lawmaking or specific legislation?
- Which activities on the schedule are *not* concerned directly with legislation? Why do you think each of these activities is important?
- Why might this Representative have difficulty meeting every demand on his or her time? What do you think a member of Congress would need to handle such demands?

QUIZ

Name ______________________ **Class** __________ **Date** __________

TEST YOUR KNOWLEDGE OF CONGRESS

All Questions are Based on Information in this Handbook

1. Match each definition to the correct term

	DEFINITION	TERM
a. ____	organized into two houses or parts	bill
b. ____	having to do with making laws	bicameral
c. ____	a proposal for a law	census
d. ____	one more than half	legislative
e. ____	to reject	primary
f. ____	a counting of population	pro tempore
g. ____	assistant to party leader in Congress	simple majority
h. ____	election to choose a party's candidate	veto
i. ____	temporary or for the time being	whip

2. Name the three major historical roots of the U.S. Congress ______________________

3. The division of powers between three branches of government is called ______________________

4. Which elected official of the Executive Branch is leader of a House in the Legislative Branch? ______

5. Which House of Congress originates all money bills? ______________________

6. Which committee in the House of Representatives decides when a bill will be debated? ____________

7. Which members of Congress come up for election every two years? ______________________

8. For how long do Senators serve? ______________________

9. In which House of the U.S. Congress are all States equally represented? ______________________

Name ______________________________ **Class** __________ **Date** __________

TEST YOUR KNOWLEDGE OF CONGRESS

TRUE OR FALSE

Indicate whether the following statements are true (**T**), or false (**F**)

10. U.S. Senators have always been directly elected by the people of their home states. ___

11. The Majority Leader in the House of Representatives outranks the Speaker of the House. ___

12. The Compromise of 1850 abolished slavery throughout the U.S. ___

13. Congress moved directly from New York City to Washington, D.C. ___

14. Tom Reed was a powerful Speaker of the House. ___

15. John Randolph and Henry Clay were close allies in the House of Representatives. ___

16. Only Congress can declare war. ___

17. Congress makes laws for Washington D.C. ___

18. Article III of the Constitution describes the structure and powers of Congress. ___

19. The executive branch of government was the first organized under the Constitution. ___

20. No woman was elected to Congress until after Amendment XIX, giving nationwide voting rights to women, was ratified in 1920. ___

21. No black was elected to the U.S. Senate until the 1960's. ___

22. The Senate can turn down the President's choice of nominee for the U.S. Supreme Court. ___

23. Representatives and Senators never work more than eight hours a day. ___

24. The first U.S. Congress met in Federal Hall, New York City. ___

25. George Washington was sworn in as the first U.S. President on a balcony outside the Senate Chamber of the First Congress. ___

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Name ______________________ Class __________ Date __________

RESEARCH AND REFERENCE GUIDE

INFORMATION RESOURCES

Information on Constitutional Bicentennial programs can be obtained from:

Information Services
Commission on the Bicentennial of the U.S. Constitution
808 17th Street N.W.
Washington, DC 20006

Questions on the history of Congress should be addressed to:

U.S. House of Representatives
Office for the Bicentennial
138 Cannon House Office Building
Washington, DC 20515

Senate Historical Office
201 Hart Senate Office Building
Washington, DC 20510-7108

Information on the Congressional Page Program can be obtained from:

U.S. Senate, Office of the Sergeant at Arms,
Room S-321, The Capitol, Washington, DC 20510
U.S. House of Representatives,
Office of the Doorkeeper, Room H-154,
The Capitol, Washington, DC 20515

BOOKS ON THE STRUCTURE AND FUNCTION OF CONGRESS

Baker, Richard. **The Senate of the United States.** Krieger, 1988.

Bernstein, Richard, and Jerome Agel. **The Presidency, The Congress, and The Supreme Court: Into the Third Century.** Walker & Co., 1989.

Currie, James T. **The United States House of Representatives.** Krieger, 1988.

Coffey, Wayne R. **How We Choose a Congress.** St. Martins Press, 1980.

Galloway, George B. **History of the House of Representatives.** Crowell, 1976.

Hoopes, Roy. **What a U.S. Senator Does.** Day, 1972.

Johnson, Gerald W. **The Congress.** Morrow

Stevens, Leonard A. **How A Law is Made.** Crowell, 1976.

U.S. HISTORY RELATING TO CONGRESS

Chidsey, Donald Barr. **And Tyler Too.** Elsevier/Nelson Books, 1977.

Collier Christopher, and James Lincoln Collier. **Decision in Philadelphia: The Constitutional Convention of 1787**. Ballantine Books, 1987.

Cunliffe, Marcus. **The Nation Takes Shape, 1789-1837.** University of Chicago Press, 1979.

Fribourg, Marjorie G. **The U.S. Congress: Men Who Steered Its Course, 1787-1867.** Macrae Smith Co. 1972.

Josephy, Alvin M. Jr., **History of the Congress of the United States,** The American Heritage Publishing Co., 1975

Liberman, Jethro K. **The Enduring Constitution.** Harper & Row, 1987.

Morgan, Edmund S. **The Birth of the Republic, 1773-1789.** University of Chicago Press, 1977.

Morris, Richard B. **Witnesses at the Creation: Hamilton, Madison, Jay, and the Constitution.** New American Library, 1986.

Schlesinger, Arthur M., Jr. **The Age of Jackson.** Little.

Trelease, Allen W. **Reconstruction: The Great Experiment.** Harpers, 1971.

Whitney, Sharon, and Tom Traynor. **Women in Politics.** Franklin Watts, 1986.

ANSWER PAGE

Name ______________________________ **Class** __________ **Date** __________

Worksheet Answers

Roots of Congress
1. House of Representatives and Senate
2. Ancient and American legislatures
3. Crete, Athens, Carthage, Sparta
4. Answers will vary, but should suggest the British and/or State models for the bicameral organization of Congress

First Branch of Three-Branch Government
1. to borrow money, to declare war, to collect taxes, to make laws
2. a. the Senate b. the House of Representatives
3. the power to veto bills passed by Congress
4. the power to declare laws unconstitutional
5. the Senate
6. Answers will vary, but should include the idea of the "power of the purse," that the House can limit the President's actions by failing to pass revenue bills to pay for such activities.

How a Bill Becomes Law
1. The correct order of the six steps are: Representative introduces the bill; the bill is assigned to a Committee; Subcommittee holds hearings; the Full Committee "reports the bill out;" Rules Committee makes rules for debate: Full House debates and votes on the bill.
2. In both Houses of Congress the following steps are identical, a bill is (a) introduced, (b) assigned to a committee, (c) referred to a subcommittee, (d) considered by full committee, (e) debated and voted on during floor action.
3. The Senate does not have a Rules Committee to set rules for debate. Senators can debate a bill continuously unless there is a vote to limit discussion.
4. (a) Conference Committee works out differences (b) the House must approve the compromise bill (c) the Senate must approve the compromise
5. It becomes law
6. Answers will vary. Probably should suggest that the President's veto permits the Executive Branch to "check" the power of Congress or share in Congress's legislative power. This sharing of power is considered so important that the Constitution makes it harder for Congress to override a veto than to pass bills in the first place.

The First U.S. Congress
1. 1789-1791
2. Connecticut 5, Delaware 1, Virginia 10
3. a. "Large" states were Virginia, Pennsylvania, Massachusetts, New York
   b. "Small" states were Rhode Island, Delaware, New Hampshire, Georgia, New Jersey
   c. States were represented equally in the Senate and by population in the House of Representatives

Bonus question. 81

The 101st Congress
1. 1989-1991
2. Two Senators. The number of Representatives will depend on the state.
3. Delaware (1), Virginia (10)
4. One or more of the existing states will have to lose Representatives so that the new state can be represented.

Leaders and Parties in the U.S. Congress
1. Speaker of the House
2. U.S. Vice President
3. President Pro Tempore
4. Majority and Minority Leaders
5. Four
6. D-Democratic; J-Jacksonian; R-Republican; W-Whig
7. 1829
8. 34th
9. 1947-Republican; 1967-Democratic; 1987-Democratic
10. Republican

The Big Switch

The original Senate was primarily representative of the States.

Amendment XVII deleted the words, "chosen by the Legislature thereof" from Article I, Section 3 of the Constitution.

The Lorimer scandal.

Much of the press and segments of the public in the late 19th century were critical of the selection of U.S. Senators by the State Legislatures.

Movers and Shapers of Congress
1. Randolph and Clay were opposed on most issues in the House of Representatives.
2. Daniel Webster supported the Compromise of 1850 to preserve the Union. Many strong anti-slavery Senators opposed the Compromise because it included the Fugitive Slave Act.
3. No!
4. Jeannette Rankin was elected to Congress before ratification of Amendment XIX.
5. Critics said Reed had "dictatorial" powers as Speaker of the House. "Czar" was the title of Russian Emperor.
6. Sam Rayburn was called "Mr. Democrat." He did not serve in the same House of Congress as Robert A. Taft.

QUIZ ANSWERS
1. a. bicameral b. legislative c. bill d. simple majority e. veto f. census g. whip h. constituents i. primary j. pro tempore
2. American, British, Ancient
3. separation of powers
4. U.S. Vice President
5. House of Representatives
6. Rules Committee
7. Representatives
8. six years
9. Senate

10. F 11. F 12. F 13. F 14. T
15. F 16. T 17. T 18. F 19. F
20. F 21. F 22. T 23. F 24. T 25. T

FACTS WORKSHEET

Name ____________________ Class __________ Date __________

ROLE OF CONGRESS IN WASHINGTON'S INAUGURATION

Under the Constitution, the three branches of the Federal government are coequal. However, the Legislative branch was the first to convene, and was instrumental in setting up the other two branches of government.

Congress played a vital role in the inauguration of President George Washington on April 30, 1789.

On February 4, 1789, Presidential electors, chosen in 10 of the states that had by that time ratified the Constitution, cast ballots for the first President and Vice President of the United States. The ballots were set aside to be counted by the U.S. Senate.

The first session of the First U.S. Congress convened in Federal Hall, New York City on March 4, 1789. This marked the beginning of government under the Constitution.

The House of Representatives achieved a quorum and set to work on April 1. The Senate achieved a quorum on April 6.

The Electoral ballots were counted on April 6. A joint session of Congress announced the election of George Washington as President and John Adams as Vice President.

Charles Thomson, secretary of the Congress, was sent to Mount Vernon, Virginia to inform Washington of his election. Washington left Mount Vernon on April 16 and arrived in New York on April 23.

Shortly after noon on April 30, a delegation from Congress escorted Washington to Federal Hall. He was greeted by Vice President Adams, who, as president of the Senate, announced: "Sir, the Senate and the House of Representatives are ready to attend you to take the oath required by the Constitution."

After the swearing-in ceremony, the President delivered his inaugural address to the Members of Congress and other guests in the Senate Chamber.

After the inaugural address, Washington and Members of Congress walked to St. Paul's Chapel for a religious service conducted by the Chaplain of the Senate.

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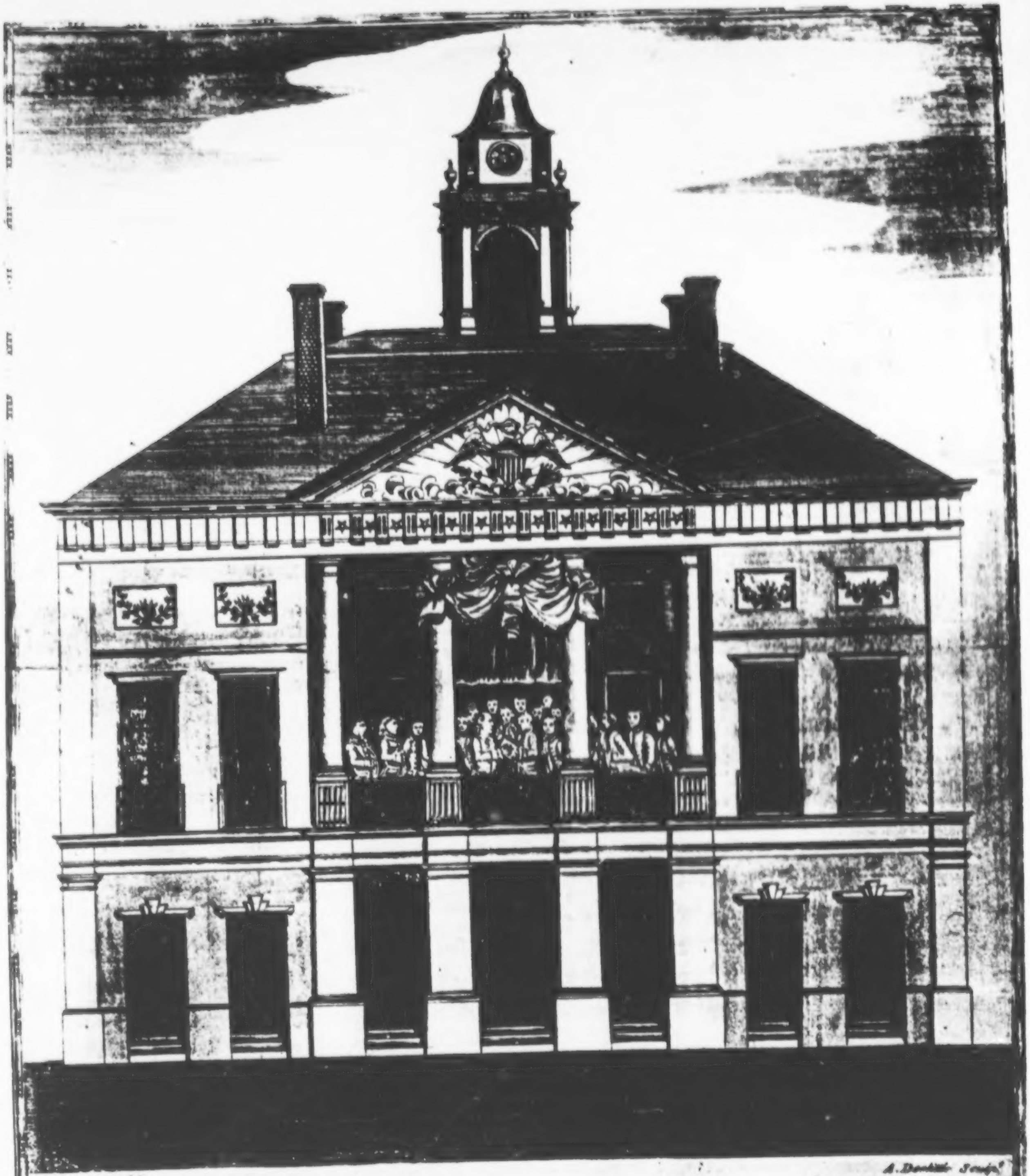


Peter Lacour delin.

A. Doolittle Sculp.

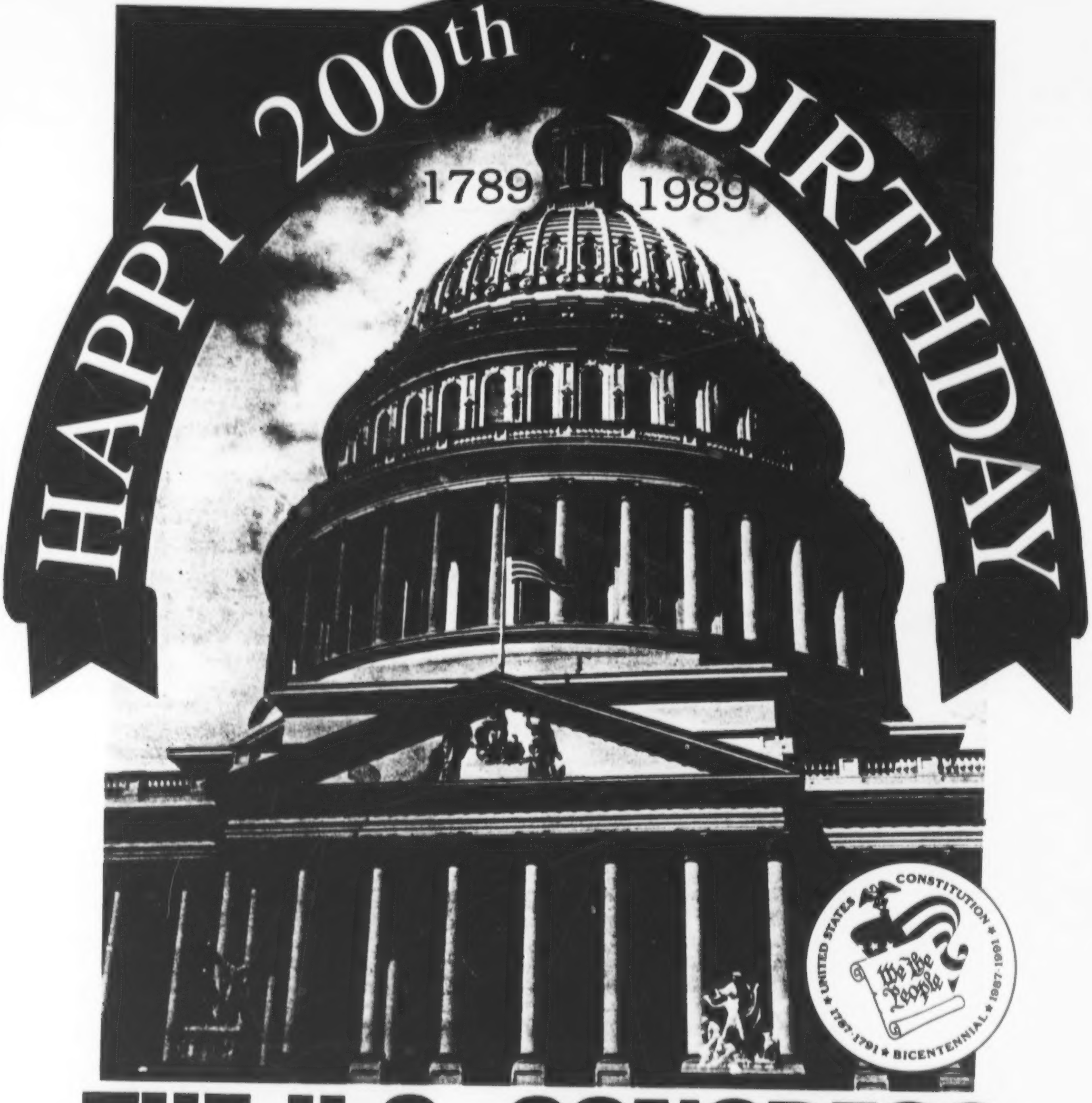
FEDERAL HALL

The Seat of CONGRESS

Printed & Sold by A. Doolittle New Haven 1790

SKILLS HANDBOOK

Scholastic News



THE U.S. CONGRESS

SCHOLASTIC

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

February 22, 1989

Dear *Scholastic News* Teacher,

March 4, 1989 marks the 200th anniversary of the first assembling of the men elected to the United States Congress. In a sense, that was the official commencement of our federal government under the Constitution, even though a quorum was not present. On behalf of the National Commission on the Bicentennial of the United States Constitution, we salute you for your participation in this special commemoration of the First Congress.

The purpose of this Skills Handbook is to encourage a commemoration that is marked by understanding as well as celebration. You may teach some of the youngest children who are able to understand what Congress is and does. Because the subject is complex, the task of developing that understanding is not easy. We hope this Handbook will help.

As you may know, Congress was the first of the three branches of the federal government to come into existence after the ratification of the Constitution in 1788. This was no accident. Though the Constitution created the three branches to be "coequal," Article I is the longest and is devoted almost entirely to the topic of Congress. The form and powers of the national legislature were clearly foremost in the minds of the Framers, and its existence was, in fact, necessary to bring into being the other two branches of the government.

By the time George Washington was inaugurated on April 30th, Congress had been in session for almost two months, though it took a month to assemble the required quorums, half of its 22 Senators and half of its 59 Representatives. Bad roads, bad weather, and high seas delayed many members traveling to New York's Federal Hall from the 11 states then in the Union (North Carolina and Rhode Island joined during the life of the First Congress). Horses, carriages, and schooners, of course, carried the members, not the cars, trains, and planes of today.

Once formed, the First Congress quickly turned to the business of making laws, a process familiar to many members from service in local government and in state legislatures. Their work was delayed, however, for lack of settled rules of order and procedure. It seems no wonder that the First Congress enacted only 118 laws in two years, a fraction of the probable legislative output of the 101st Congress which began in January 1989. What they did, however, was of seminal importance, including legislation which brought into being the principal institutions of the Executive and Judicial, as well as the Legislative branches of government. So important, in fact, was the work of the First Congress in implementing the Constitution that it is sometimes referred to as a "Second Constitutional Convention."

Today, members of the 101st Congress represent a nation larger by 39 states and hundreds of millions of citizens. Yet, in its essentials this branch of our federal government remains the same, serving as the most representative expression of "We the People."

Cordially,

Warren E. Burger

Warren E. Burger, Chairman
Commission on the Bicentennial
of the United States Constitution
Chief Justice of the United States (1969-1986)

THE BICENTENNIAL OF CONGRESS
SCHOLASTIC NEWS

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HAPPY 200th BIRTHDAY U.S. CONGRESS

Sponsored by the Commission on the Bicentennial of the United States Constitution

HOW TO USE THIS HANDBOOK

Each of the 14 reproducible skills pages in this Congressional Bicentennial Skills Handbook was written to stand on its own. With the exception of Page 15, simply make one machine copy of the appropriate page for each student and distribute. Instructions for students are provided. (See special instructions below for Page 15.)

These skills pages may be used in any order; neither skills nor contents are cummulative. All pages are grade-level appropriate for third to sixth grades. However, you may wish to enhance your students' understanding of the pages listed below, by using the background, discussion questions, and activities that follow.

Page 3: The Three Branches of U.S. Government

Background:

- First Executive Branch: (left to right in the photo) President George Washington; Cabinet members Henry Knox, Alexander Hamilton, Thomas Jefferson, Edmund Randolph. Not pictured: Vice President John Adams.
- First Legislative Branch: Senators of the First Congress. Vice President John Adams, seated on the rostrum, presides.
- First Judicial Branch: Chief Justice John Jay and Justices James Wilson, William Cushing, John Blair, John Rutledge.

Discussion: According to the Constitution, The Vice President is a member of the Executive Branch. But he is also President of the Senate. How does this explain the fact that he is not allowed to "join the debate" in the Senate without its permission?

Activity: Update the diagram. Using old newspapers and magazines, find pictures of 41st President Bush and his Cabinet; Members of the 101st Congress; and Chief Justice Rehnquist with other Justices. Paste the pictures into position on a new drawing.

Pages 4-5: Take a Look Under the Dome

Background:

- Before the large iron "Bulfinch" dome and the House and Senate Wings were added, the Senate met in the Old Senate Chamber. The House met in what is now Statuary Hall.
- The Capitol has had a subway since 1909. Four tracks connect the Capitol to many other Congressional office buildings on Capitol Hill.

Discussion: Why did Congress grow as the nation added new states and grew in population? (The number of Senators and Representatives in Congress corresponds to the number of states and their populations.)

Activity: Find an early map of the Federal City—Washington, DC. Which states gave up land for DC? (Maryland and Virginia) Compare the old map to a new map of Washington.

Pages 6-7: Crisis in Congress—Play

Background:

- The Compromise of 1850 included five resolutions, one of which concerned California. The Fugitive Slave Act, the last of Clay's resolutions to pass, required states to return runaway slaves to their owners.
- The compromise did not end U.S. conflicts over slavery; it postponed them. But the relatively peaceful decade before the Civil War was marked by advances in transportation, communications, and other fields.

Discussion: In what other situations is compromise important to people?

Discussion: At the end of this play, why does Clay want the Senate to vote? (He knows the Senate must vote sometime; he may think one of his bills has a good chance to pass right after Webster's speech.)

Activity: Research the dates and order of statehood for the last 20 states.

Pages 10-11: A Different View of Congress

Discussion: News cartoons use symbols. Where else in our world are symbols important? (writing, arithmetic, traffic signs)

Activity: Recaption one or both of the cartoons. Then draw your own cartoon about a part of Congress you understand well.

Background:

- Appropriation (spending) bills, according to the Constitution, must originate in the House of Representatives, though the Senate may amend (change) them.
- Members of the House must be elected or reelected every two years. So reelection is never far from a Representative's mind.

Discussion: Spending bills originate in the House, where reelection is almost always on a Representative's mind. How do these facts add to our understanding of these cartoons?

Page 15: "Happy Birthday Congress" Card

Special Instructions: To enable your students to contact all of their Congressmen, you must make THREE copies of Page 15 for each student. Be certain to put cards written to the same Congressman in one class envelope.

Activity: Brainstorm a list of ways students can find the names of their Congress people locally. (visit the library, town hall, local offices of Representatives) As a fallback, make a class call to the State Capitol.

Addresses and Correct Form of Address:

- to write a Senator:

Honorable ____________________
United States Senate
Washington, D.C. 20510

Dear Senator ____________________

- to write a Representative:

Honorable ____________________
House of Representatives
Washington, D.C. 20515

Dear Representative ____________________

Some Guidelines for Letter Writers:

- Use as many of your own words as possible.
- Remember that your letter may be only one of hundreds or thousands of letters your Congressman receives that day. If you have a concern or a point to make, do it quickly.
- If you want a response, be certain to include, your (school) return address.

Page 17: Color This Scene

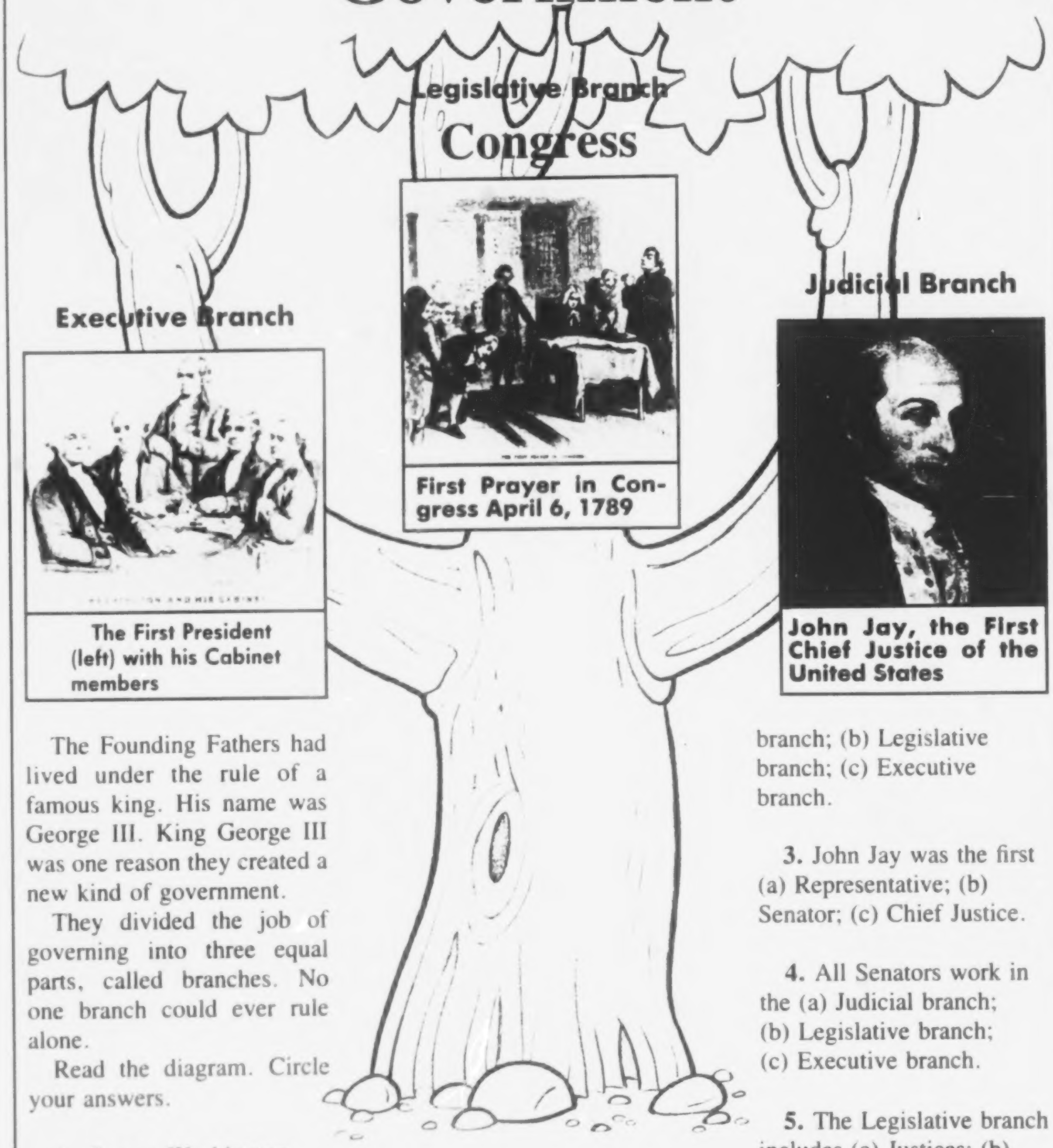
Discussion: What is different about the way the inauguration of the first President (Washington) was recorded from the way the inauguration of the 41st U.S. President (Bush) was recorded? (no photos, no TV or radio reports in 1790; word travelled by horse and rider from town to town)

The home of Congress is called its "seat." How does the first seat of Congress, Federal Hall, differ from the present seat in the Capitol? (size, shape, and location)

What other U.S. city housed a "congress" (meeting) of representatives before the Constitution was signed to create a U.S. Congress? (Philadelphia)

READING A DIAGRAM

The Three Branches Of Government



First Prayer in Congress April 6, 1789

The First President (left) with his Cabinet members

John Jay, the First Chief Justice of the United States

The Founding Fathers had lived under the rule of a famous king. His name was George III. King George III was one reason they created a new kind of government.

They divided the job of governing into three equal parts, called branches. No one branch could ever rule alone.

Read the diagram. Circle your answers.

1. George Washington was the first U.S. (a) Senator; (b) Chief Justice; (c) President.

2. He and his cabinet worked in the (a) Judicial branch; (b) Legislative branch; (c) Executive branch.

3. John Jay was the first (a) Representative; (b) Senator; (c) Chief Justice.

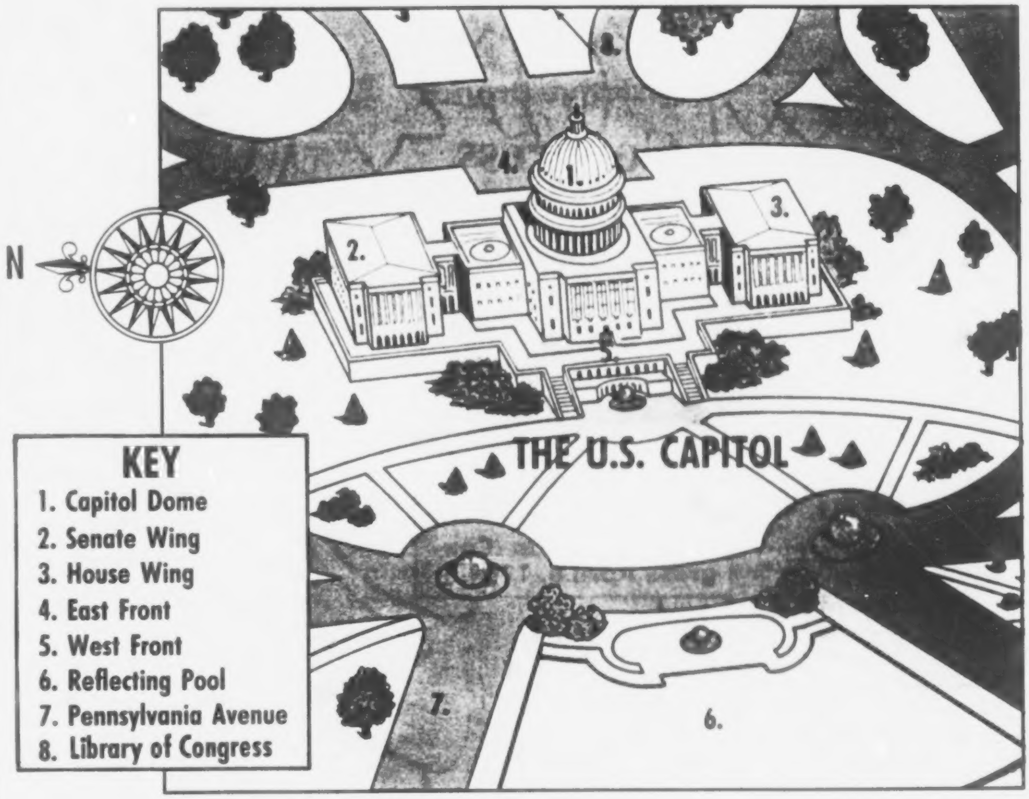
4. All Senators work in the (a) Judicial branch; (b) Legislative branch; (c) Executive branch.

5. The Legislative branch includes (a) Justices; (b) members of the House of Representatives; (c) only Senators.

Art: Justin Novak

MAP SKILLS

A LOOK AT THE U.S. CAPITOL
Outside View—Looking East



Since 1800, this building has been home to the U.S. Congress. Its famous dome has become a symbol of the lawmaking branch of U.S. government. The Senate and the House actually meet in its wings. These wings were added between 1851 and 1859.

MAP IT! The Library of Congress is east of the Capitol. The White House is on Pennsylvania Avenue. Draw a route that takes you by the Capitol on your way from one to the other.

1. Since 1829, most Presidents have been inaugurated on the steps of the East Front, which faces (a) west; (b) east; (c) north.

2. The Capitol has (a) two wings (b) two fronts; (c) both a and b.

3. The monuments are (a) east of the Reflecting Pool; (b) west of the Reflecting Pool; (c) south of the Reflecting Pool.

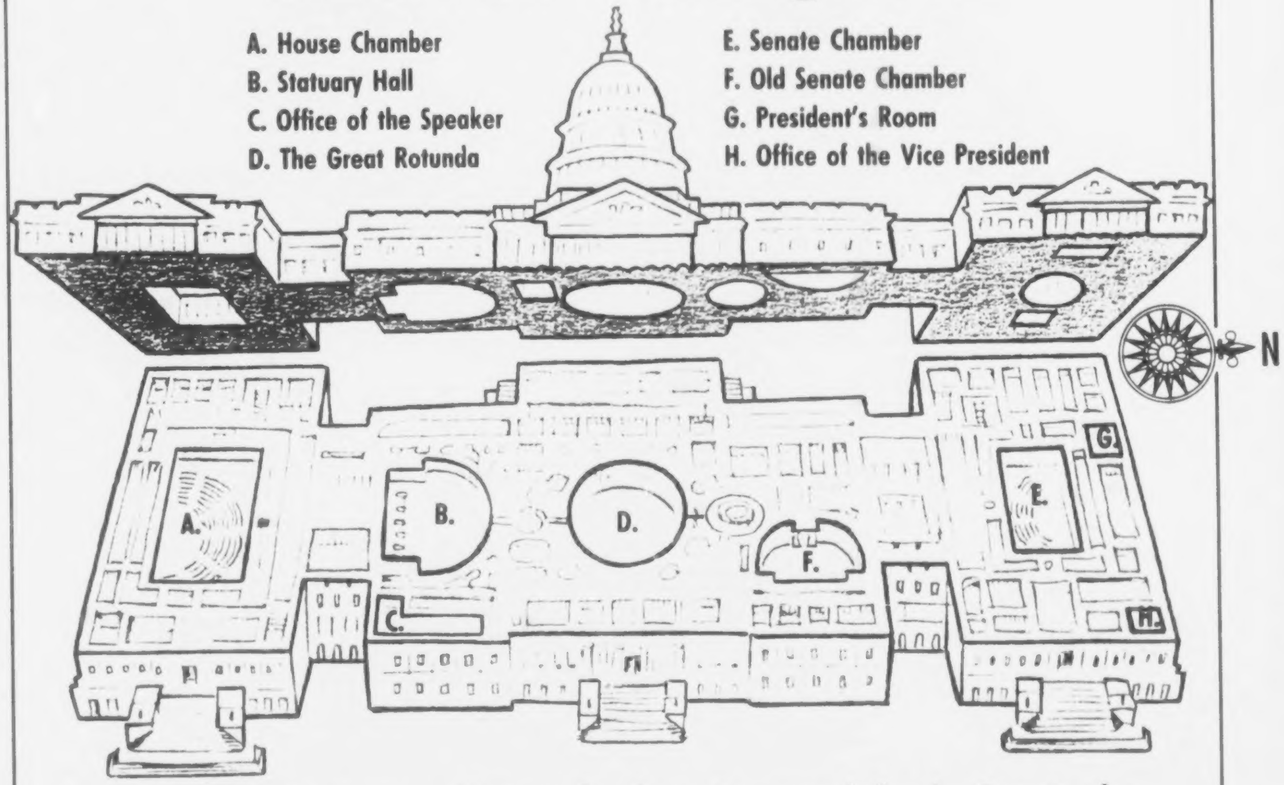
4. The Senate Wing lies (a) east of the House Wing; (b) north of the House Wing; (c) south of the House Wing.

5. You want to take a picture of the sun rising behind the Capitol Dome. You should stand near the (a) Reflecting Pool; (b) Senate wing; (c) House Wing.

Art: Chris Reed

A LOOK UNDER THE CAPITOL DOME

Inside View—Looking West


A. House Chamber
B. Statuary Hall
C. Office of the Speaker
D. The Great Rotunda
E. Senate Chamber
F. Old Senate Chamber
G. President's Room
H. Office of the Vice President

The Capitol has 540 rooms. That used to be quite enough for the Senate, the House of Representatives, the Supreme Court, and the Library of Congress. But today, only the Senate and the House have their headquarters here. They have six office buildings nearby.

You're a tour guide! The tour begins in the President's Room. You will visit all the rooms that are labeled. List the rooms in the order you will show them. Fill every blank. Don't tire your tour members! Pick the most direct route.

1. President's room

2. ______________________________

3. ______________________________

4. ______________________________

5. ______________________________

6. ______________________________

7. ______________________________

Art: Justin Novak

READ-ALOUD-PLAY

CRISIS IN CONGRESS

Characters:
U.S. Vice President Millard Fillmore (President of the Senate)
Chester Cobble, a reporter
Molly Cobble, his daughter

Senators
Henry Clay (Kentucky)
Daniel Webster (Massachusetts)
John C. Calhoun (South Carolina)
William H. Seward (New York)
Henry S. "Hangman" Foote (Mississippi)
Thomas H. "Old Bullion" Benton (Missouri)
James M. Mason (Virginia)

Senators and Representatives have always come to Congress with strong beliefs. But strong beliefs alone cannot make Congress run. There must be compromise. Compromise is giving up important things to get what is most important. In 1850, a compromise saved the nation. Many people thought the country was ready to split in two, North and South. But that year, Congress finally agreed on what was most important—to all states.

Scene 1: Capitol Steps, February 6

Chester: Molly, are you certain this is how you wish to spend your free time?

Molly: Yes, father. I've heard so much about this place. I want to see just what goes in this great building.

Chester: Well, you've chosen quite a time to visit. Congress is all heated up. See those three older men there? Henry Clay, John Calhoun, and Daniel Webster served in the Senate together years ago. They are debating a bill about California. It may just tear Congress apart.

Molly: Is the fight over gold? The Gold Rush in California?

Chester: No, no. They are discussing something more important. President Taylor thinks California should be a state. He's also against slavery there.

Molly: So? We're against slavery.

Chester: Yes, we are. But 15 of the 30 U.S. states are for slavery. If California becomes a state, its Congressmen could help vote to outlaw all slavery.

Molly: It would be 16 against 15.

Chester: That's it. Come. Let's get seats. Everyone wants to hear these men.

Molly: Father, is that a pistol on the Senator's belt?

Scene 2: Inside the Senate

Fillmore: The floor is still yours, Mr. Clay.

Chester (to Molly): Clay began his speech yesterday. He's still at it!

Clay: Thank you, Mr. President. Now what would make the nation split in two? The disagreements over slavery. My bills settle all of these disagreements. Would splitting the nation in two solve any of our disagreements? No! Gentlemen, I know no North, no South, no East, no West. I owe loyalty only to Kentucky and to the United States. My countrymen, each side must give up something! Compromise before the Union is destroyed!

Mason: Mr. President, Senator Calhoun has asked me to read his speech.

Fillmore: You have the floor, sir.

Mason: "Slaves are property. Congress has no right to take away a man's property. The only way to avoid splitting the nation is for the North to give in—to give the slave states equal rights in California. If not, the South will leave the Union. We shall part our ways in peace."

Benton (to Seward): My blood boils!

Seward: The North shall not give in!

Foote (to Calhoun): I cannot risk voting in a way that divides the nation.

Calhoun: The South will have its way. Think of Mississippi, Foote!

Scene 3: March 7, in the Senate

Molly: It's more crowded than ever!

Chester: No wonder, Webster speaks today. But who knows what he will say!

Seward (to Benton): Webster must be on our side. His state is strongly against slavery. And they say he wants to be President. He couldn't be elected if he supported Clay's bill! It would make the North capture escaped slaves for the South. His state would never let him run for President if he voted for that!

Clay (overhearing them): He will vote for it only if he loves his country more than he loves his chance to be President. (To himself) Daniel, it's up to you now.

Webster: Mr. President, I wish to speak today, not as a Massachusetts man, nor as a Northern man, but as an American. I speak today for the preservation of the Union. Hear me for my cause!

I hear with pain these words about splitting the nation. Where is the line to be drawn? What States will split off? What is to stay American? What am I to be? An American no longer? Am I to become a local man, with no country in common with the gentlemen who sit around me here? No! Let us enjoy Liberty AND Union!

Benton: Traitors! That's what these Southern Senators are! Like you, Foote!

Foote: Benton, you are a muddy road.

Fillmore: Stop quarreling, Senators.

Benton: I never quarrel, sir. But sometimes I fight, sir. And when I fight, sir, a funeral follows. Will it be yours, Foote? (Benton rushes at him.)

Foote (drawing his pistol): Beware!

Chester: Get down, Molly! Quickly! (The audience scrambles for safety. Mason and Seward rush to grab the two men.)

Benton: Let him fire! Let him fire!

Foote (lowers his pistol): No, Benton. You must live to see my vote.

Clay: Yes! Vote. We must vote.

Epilogue

All but two of the characters (Molly and her father) really lived. By fall, Congress had voted upon all of Clay's bills. They all passed and were called the Compromise of 1850. On September 9, 1850, California became the 31st state—the 16th state without slavery. For 11 more years, the Compromise helped keep the United States united in peace.

Art: Justin Novak

WHAT DOES CONGRESS DO?

Congress was created to make laws. The laws it makes are the most important new laws in the nation. They can affect every citizen in every state every day.

Congress does many other important things, too. It has many powers. These powers were created to equal the powers given to the President and the powers given to the Supreme Court. Who says? The United States Constitution!

Read the two lists below. Then turn to page two of "What Does Congress Do?"

Some Powers of U.S. Congress

Decide what taxes U.S. citizens will pay. Executive branch does actual collecting

Decide whether the U.S. government will borrow money

Pass laws on trading between the states

Pass laws on the trade U.S. businesses can do with other countries

Say whether Americans will use pounds, inches, and gallons, or kilos, centimeters, and liters to make measurements

Set up post offices

Can set up courts other than the Supreme Court

Make investigations related to passing new laws

Add states to the U.S.

Declare war

Accuse the President of a crime, try him, and remove him from office if he is found guilty

Decide if the President is no longer well enough to do his job

Approve or disapprove treaties the President has signed with other countries

Elect the President if no candidate got a majority of the electoral votes.

Advise the President on his choices of Cabinet members and Supreme Court justices

Suggest changes in the Constitution

WHAT CONGRESS CANNOT DO

The job of the Supreme Court

The President's job

Ignore the rights of citizens given to them by the Constitution

Take away any powers given to the states by the U.S. Constitution

Change any state constitutions

Meet without keeping a record of who said and did what

DEDUCTION

WHAT DOES CONGRESS DO?

Congress is the highest lawmaking body in the nation. Each of the 50 states has its own group of elected lawmakers, too. Why? Each state has its own state laws. Cities, towns, and villages have laws, too. Who makes which law? You be the judge.

Using the lists on page eight, draw a line from each imaginary law or act below to the symbol for its group of lawmakers.

CAPITOL

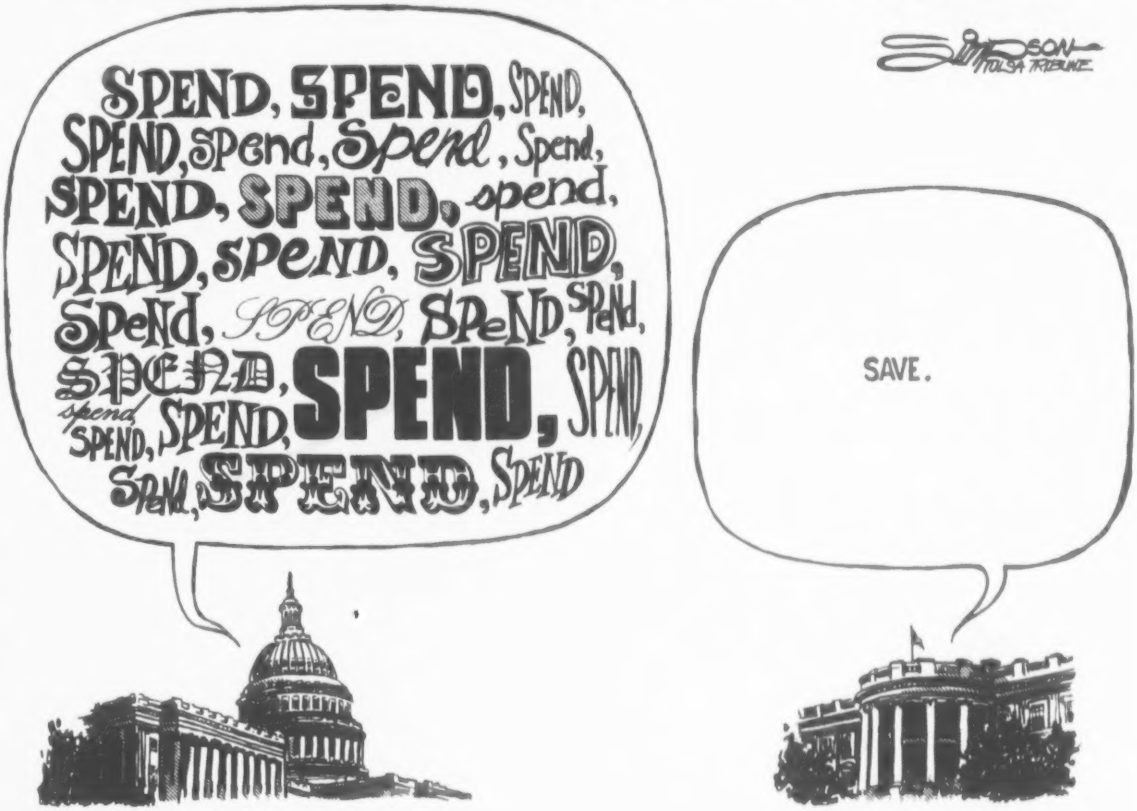
TOWN HALL

Art: Justin Novak

1. We hereby declare war on—the country of North somewhere.
2. The speed limit within the town of Mosstown will be 30 miles per hour.
3. Taxpayers who cheat on their U.S. taxes will hereafter go to jail.
4. We hereby amend the Constitution of the State of Vermont.
5. The District of Columbia is hereby admitted as the 51st state in the United States of America.
6. A new post office will be built at 301 Easy Street in Newtown, Nebraska.
7. We hereby begin printing and allow use of the three dollar bill.
8. No new buildings higher than 100 stories may be built in Los Angeles.
9. County taxes will be paid by July 11 in the town of Chesterton.
10. Recruits for the army and navy must be 18 years old.

READING A POLITICAL CARTOON

A DIFFERENT VIEW OF CONGRESS


SIMPSON TULSA TRIBUNE
SPEND, SPEND, SPEND, SPEND, spend, Spend, Spend, SPEND, SPEND, spend, SPEND, SPEND, SPEND, Spend, SPEND, SPEND, SPEND, SPEND, SPEND, SPEND, spend SPEND, SPEND, Spend, SPEND, SPEND
SAVE.

Political cartoons are as old as Congress. They usually appear on the editorial pages of newspapers. They are not meant to state facts. They express opinions that are not always fair. Read the cartoon. Then circle an answer to each question.

1. The two buildings pictured in this cartoon are (a) the Supreme Court and the White House; (b) the Capitol and the White House; (c) the Capitol and Federal Hall.

2. Many words are coming out of the building on the left. But they all say one thing, (a) Save; (b) Spend; (c) Send.

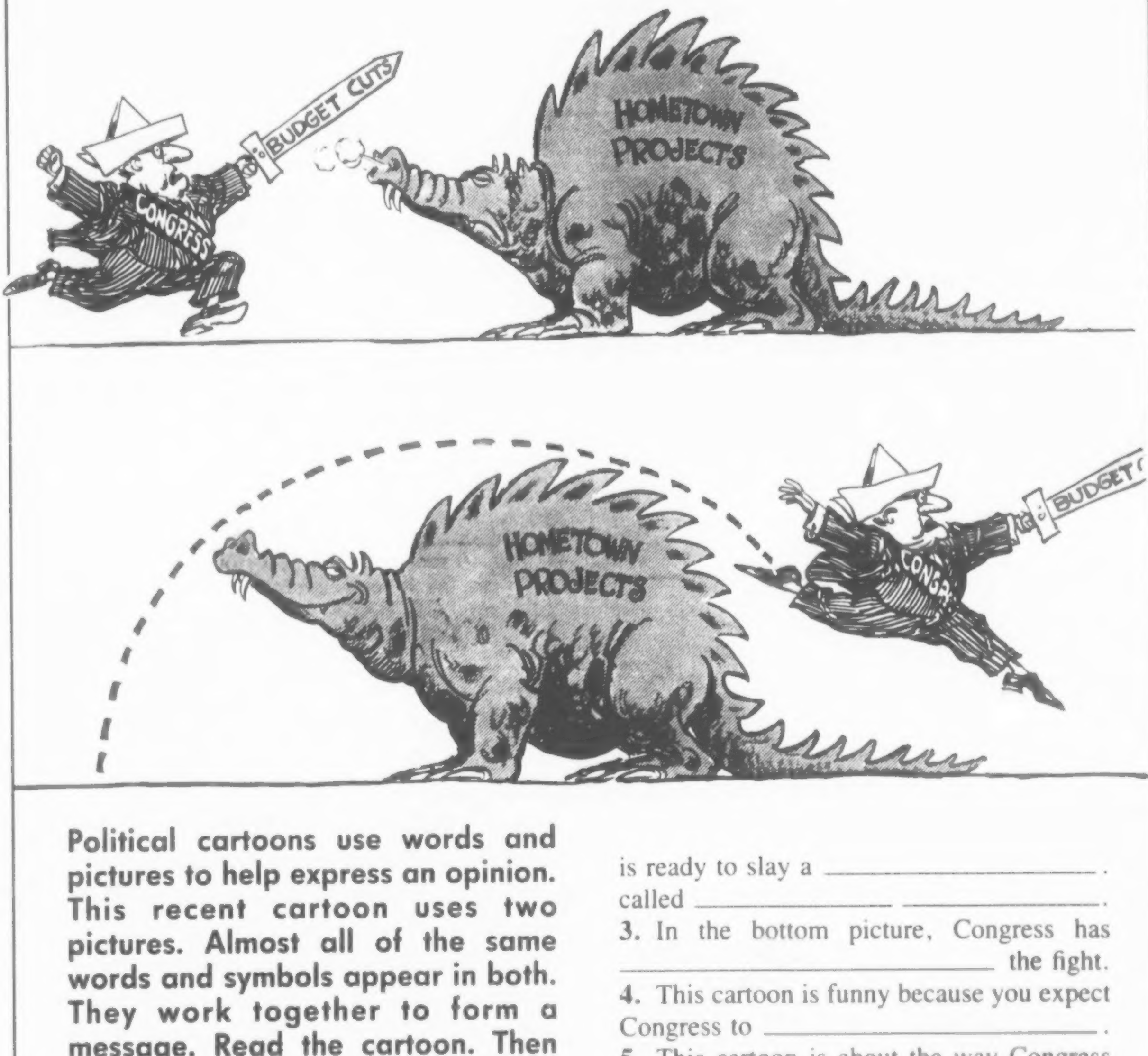
3. This cartoon is about how (a) Congress and the President often disagree about how much money to spend; (b) Congress and the Supreme Court don't listen to each other; (c) Congress must say something 26 times to be heard.

4. To understand this cartoon, you must know that (a) Congress is the branch of our government that decides how to spend money; (b) The President does not have to shout to be heard; (c) The powers of Congress and those of the Supreme Court balance each other.

5. The cartoonist's opinion seems to be that (a) there is no voice in Congress that supports, saving, instead of spending money; (b) the President does not speak loudly enough; (c) money is the most important subject on which Congress and the President disagree.

READING A POLITICAL CARTOON

A DIFFERENT VIEW OF CONGRESS



Political cartoons use words and pictures to help express an opinion. This recent cartoon uses two pictures. Almost all of the same words and symbols appear in both. They work together to form a message. Read the cartoon. Then fill in the blanks in the sentences below with words that make sense. Remember hometown projects can be good.

1. In this cartoon, Congress is a man carrying a ____________________.

2. In the top picture, Congress looks like he is ready to slay a ____________________ called ____________ ____________.

3. In the bottom picture, Congress has ____________________ the fight.

4. This cartoon is funny because you expect Congress to ____________________.

5. This cartoon is about the way Congress makes ____________________ cuts.

6. The cartoonist thinks that Congress is ______________ of cutting money for hometown projects.

7. To understand this cartoon, it helps to know that spending money on hometown projects helps get ____________ elected.

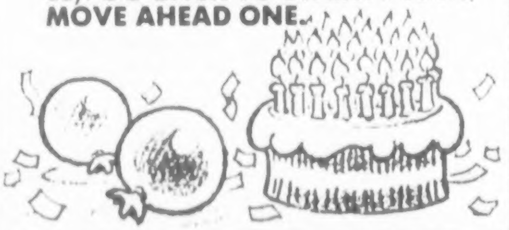
RUN FOR CONGRESS?

How does someone become a U.S. Representative? First, he or she must become a candidate. Then, voters must elect him. Try it! Put your marker on START.

START

The representative in your district retired. His seat is up for election. **MOVE AHEAD ONE.**

A seat is open in The House. But you are 24. If your birthday is after election day, **GO BACK TO START.** If before, **MOVE AHEAD ONE.**



TOSS a coin to test your popularity with local party people. If "heads," you're the one! **MOVE AHEAD ONE.** If "tails," **WAIT OUT ONE TURN, THEN TOSS AGAIN.**

Declare your candidacy! Your speech was a big hit. The race is on! **MOVE AHEAD TWO.**

Out of money! Maybe you'll try again in the next election. **GO BACK TO START.**

Election Day is cold and rainy. There's a low turnout. You lose by only 10,000 votes. Congratulate your opponent. Then **GO BACK TO START.**

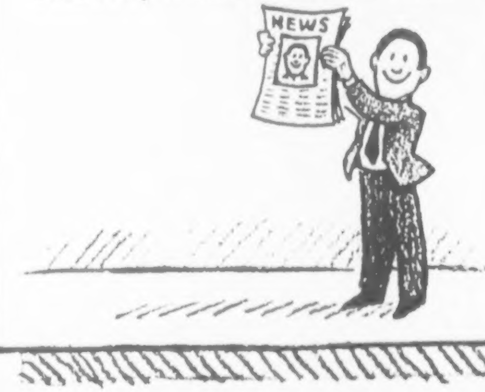
FINISH

Congratulations! You won the election by a landslide! See you back on the campaign trail in two years!

Voters want a debate. Will you agree to one? If yes, **TOSS AGAIN.** If no, **GO BACK TWO SQUARES.**

Voters don't like your opponent's TV ads. **MOVE AHEAD ONE.**

The newspaper in your district endorsed you! **MOVE AHEAD TWO.**

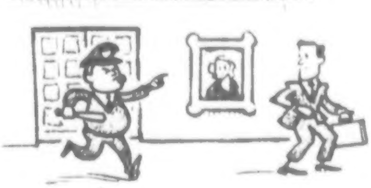


The race is close. Are you ready to campaign door-to-door? If yes, **MOVE AHEAD ONE.** If no, **TOSS AGAIN.**

Art: Justin Novak

Facts About Congress

Some facts about Congress are amazing. As you read this list, notice the underlined words.



Within the Capitol, two sergeants at arms may "arrest" members of Congress to bring them to a vote.

The first mother and son to serve in Congress at the same time were Oliver Payne Bolton, 35, and Frances Payne Bolton, 67, of Ohio. They represented two different Congressional Districts. They both took office on January 3, 1953.

Congress has its own subway. This subway connects the Capitol to the House and Senate office buildings nearby.

The Capitol Dome is made of cast iron. It weighs 8,900,000 pounds—more than 4,500 large cars. The Statue of Freedom at its top stands almost 300 feet above the ground.

Each member of the House receives an average of 988 letters a day.

To help with all the work, each Senator and Representative has a staff of 20 or more people. Some are paid. Others volunteer.

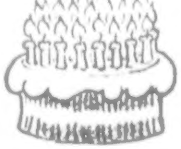
The 52nd Congress was the first Congress to spend a billion dollars ($1,000,000,000). It met from 1891 to 1893.

The longest speech given in Congress lasted 24 hours and 18 minutes. It was made by Senator Strom Thurmond of South Carolina.

Every word of every speech and bill in Congress is printed in the Congressional Record—the very next day.

On rare occasions, meetings of Congress last so long that cots must be brought in. That way, Members of Congress don't miss a vote.

Almost 80 high school students work at the Capitol. These students are called pages. They go to school from about 6:30 a.m. to 10:30 a.m. Then they go to work.



Fill in the Facts

1.) Today, the House of Representatives has ________________ members.

2.) In its 200 years, the U.S. Congress has met in three cities: New York, NY, Washington D.C., and ________________.

3.) The ________________ of the United States is the President of the U.S. Senate.

Art: Justin Novak

"HAPPY BIRTHDAY, CONGRESS" CARD

The United States Congress has a big birthday this year. The First Congress met for the first time on March 4, 1789. The 101st Congress started work this January. On March 4, Congress will be 200 years old!

Every citizen has two Senators and one Representative in Congress. Find out who yours are. Check an Almanac at your local library. Send them a special message! Use one copy of this Proclamation for each lawmaker.

Happy Birthday Congress

Dear ______________________________:

I, ______________________________, hereby send my best wishes to you as a member of the 101st Congress of the United States of America, upon the occasion of the 200th anniversary of the First Congress, March 4, 1989.

Sincerely yours, ______________________________

of the __________ Congressional District of the State of ____________________.

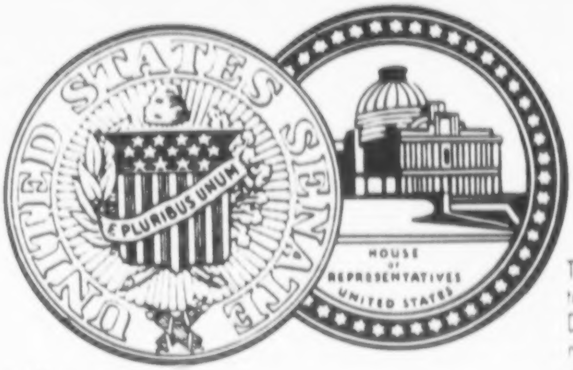
____
Name

____
School

____
Teacher's Name

____
School Address

ANSWERS AND OTHER RESOURCES


UNITED STATES SENATE
E PLURIBUS UNUM
HOUSE OF REPRESENTATIVES UNITED STATES

Entwined seals of Senate and House are the official emblems of the U.S. Congress.

The Capitol's large, new iron dome began to take shape during the Civil War. Despite wartime shortages of labor and money, President Abraham Lincoln ordered work on the Capitol to continue. He explained, "If the people see the Capitol going on, it is a sign that we intend the Union shall go on."

ANSWERS

Page 3: The Three Branches of Government—1-c; 2-c; 3-c; 4-b.

Page 4: A Look at the U.S. Capitol, Outside View—Looking East. 1-b; 2-c; 3-a; 4-b; 5-a.

Page 5: Take a Look under the Capitol Dome, Inside View—Looking West. 1-President's room (G); 2-Senate Chamber (E); 3-Office of the Vice President (H); 4-Old Senate Chamber (F); 5-The Great Rotunda (D); 6-Statuary Hall (B); 7-House Chamber (A); 8-Office of the Speaker (C).

Page 9: What Does Congress Do?—Jurisdiction of U.S. Congress: 1, 3, 5, 7, and 10; Jurisdiction of state and local legislatures: 2, 4, 6, 8 and 9.

Page 10: A Different View of Congress—1-b; 2-b; 3-a; 4-a; 5-a.

Page 11: A Different View of Congress—Some answers may vary. 1-sword; 2-dragon. Hometown Projects: 3-avoided; 4-fight; 5-budget; 6-afraid; 7-Congressmen.

Page 14: Facts About Congress—1-435; 2-Philadelphia, PA; 3-Vice President.

RESOURCES

Books for Third and Fourth Graders

Congress by Carol Greene (Children's press, 1985)

Congressperson by Louis Sabin (Troll Associates, 1985)

Shhh! We're Writing the Constitution by Jean Fritz (Scholastic, 1987)

The Story of the Powers of Congress by Conrad R. Stein (Children's Press, 1985)

Books for Fifth and Sixth Graders

Congress by Harold Coy (Franklin Watts, 1981)

The First Book of Local Government by James A. Eichner (Franklin Watts, 1983)

How a Law Is Made: The Story of a Bill Against Pollution by Leonard Stevens (Harper & Row, 1970)

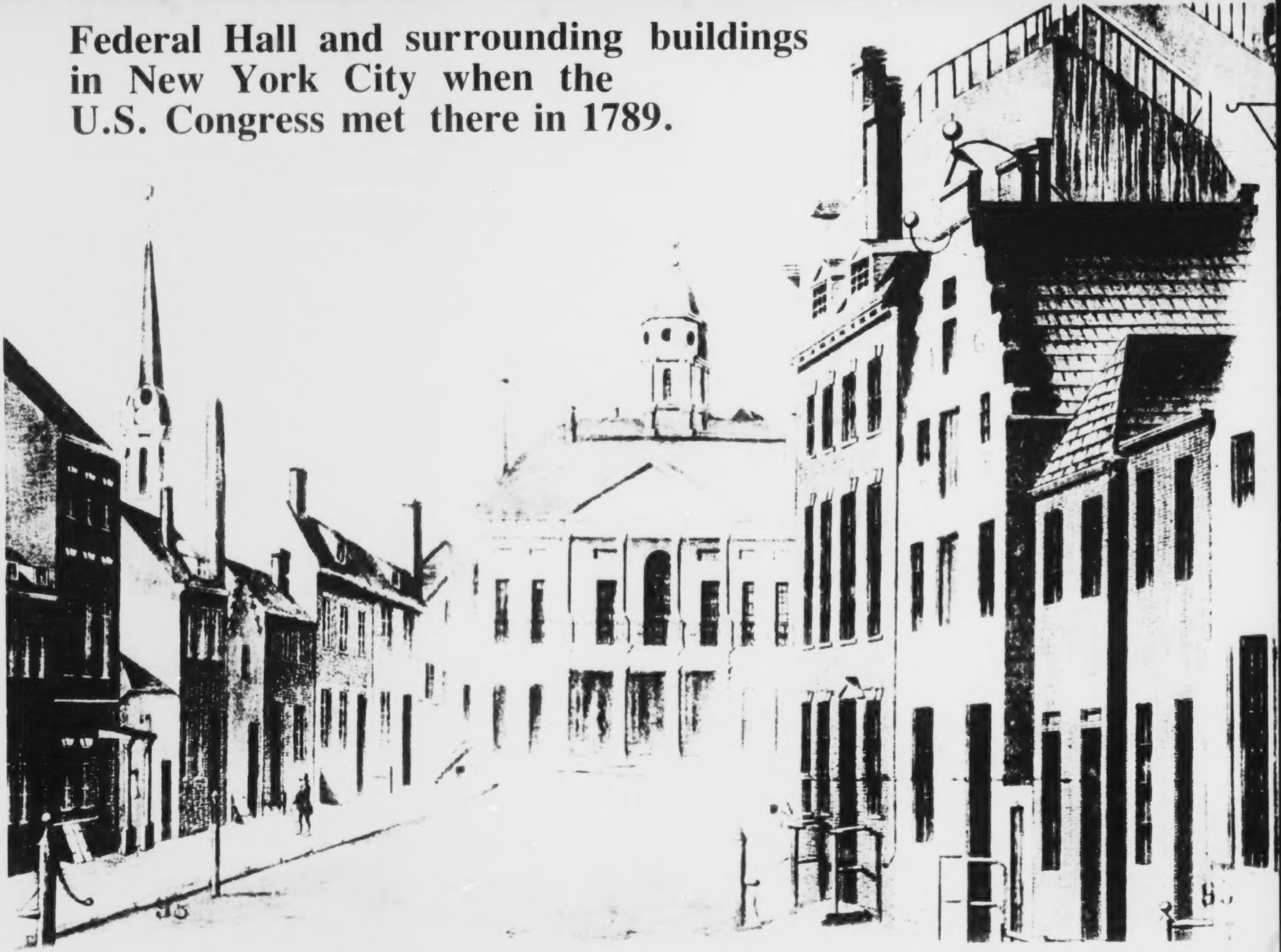
Sign on the Dotted Line: Two Hundred Years of U.S. Constitution Silly Trivia (Gallopade Publishing Group, 1986; Main St., Bath, NC 27808; 919-923-4291)

What a United States Senator Does by Roy Hoopes (Harper & Row, 1975)

What's Cooking in Congress? Edited by Harry Barba and Marion Barba (Harian Creative Books, 1976; 47 Hyde Blvd., Ballston Spa, NY 12020; 518-885-7397)

The Young United States: 1783 to 1830 by Edwin Tunis (Harper & Row, 1976)

Federal Hall and surrounding buildings in New York City when the U.S. Congress met there in 1789.

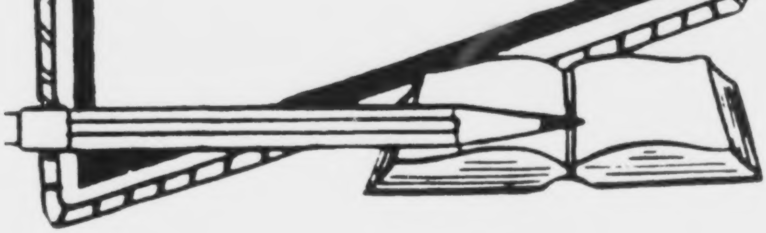


EDUCATIONAL PROGRAMS

of

The Commission on
the Bicentennial of the
United States Constitution

Suite 800
808 Seventeenth Street, N.W.
Washington, D.C. 20006



For more information about the programs included in this brochure, write to the Commission's Education Division, or call (202) 653-5110.

National Historical Pictorial Map Contest

Enhance your students' understanding of geography and history by registering in the National Historical-Pictorial Map Contest. Students are asked to depict, on outline maps, key events significant to the development of early American history from 1607 to 1803. Competitions are held at upper elementary, middle and high school levels within each congressional district with winning entries advancing to state and national competitions. All entries receive certificates of Recognition. Winning schools at congressional district, state and national levels receive cash awards for the purchase of educational materials. National winners receive a free trip to Washington, D.C., for a special awards ceremony.

The contest is administered jointly by the Bicentennial Commission and the Center for Civic Education with the assistance of the Center's nationwide network of state and congressional district coordinators. Upon registration, teachers will be sent outline maps and supporting materials for the program. Application forms and requests for information about the contest should be addressed to: Center for Civic Education, 5146 Douglas Fir Road, Calabasas, CA, 91302, (818) 340-9320. Registration forms must be postmarked by November 17, 1989.

Gaining Recognition as A Bicentennial School

This Bicentennial School Recognition Program encourages schools throughout the country to further the study of the United States Constitution, the development of our representative government and the rights and responsibilities of citizenship. This program is designed to encourage ongoing educational activities and events throughout the school year, from Constitution Week in September through Flag Day in June. To participate in the Bicentennial School Recognition Program, schools are urged to form a representative committee composed of teachers, students, administrators, parents and community representatives to plan and implement appropriate commemorative and educational activities related to the Constitution and the Bill of Rights. A Certificate of Recognition will be issued to Bicentennial Schools along with authorization to use the Commission's official logo.

Education Kit on the Presidency *and* Skills Handbooks on Congress and the Judiciary

The Commission has sponsored the development and distribution of special sets of educational materials on the three branches of government timed to coincide with the commemoration of their respective bicentennials. Scholastic, Inc. is producing and distributing these materials in two editions, elementary (grades 3-6) and junior / senior high (grades 7-12), to 143,00 teachers nationwide. The materials include background information and learning activities appropriate to the various grade levels. A video documentary on the founding of our national government has been developed as a supplement to the kit and handbooks, a limited supply of which will be available through the Commission in Fall 1989.

National Bicentennial Competition on the Constitution and Bill of Rights

We the People
Congress and the Constitution

These two programs are part of an extensive educational program to educate young people about the history and principles of the Constitution of the United States and the Bill of Rights. The program's curricula are designed for a wide range of achievement levels and complement the regular school curriculum. Based on a six-week course of instruction on the basic principles and history of our Constitution, the program is designed to foster civic competence and civic responsibility. Curricular materials are available for upper elementary, middle and high school levels.

Optional competitive and non-competitive programs are available as culminating activities for the program. In the competitive option, classes participate in simulated congressional hearings before panels of judges. Competitions are held at the congressional district, state and national levels. In the non-competitive option, "We the People... Congress and the Constitution," entire classes, working cooperatively, prepare and present statements and answer questions on constitutional topics before a panel of community representatives acting as congressional committee members. These programs are administered nationwide through the 435 congressional districts and five trust territories.

DAR Constitution Week Essay Contest

The Commission in cosponsorship with the National Society of the Daughters of the American Revolution is holding a 1989-90 Constitution Week essay contest for high school juniors and seniors. The topic is: "Why are independent judges important in the preservation of our Constitutional system of government?" Winners and their teachers will be honored at a special event in Washington, D.C., as guests of the Bicentennial Commission. For information, contact your local DAR chapter. The deadline for entering is January 15, 1990.

National Repository for Teaching Materials

The Commission is funding a national repository for teacher-generated lessons and instructional materials on the Constitution, established by the Center for Research and Development in Law-Related Education (CRADLE) at Wake Forest University in Winston-Salem, North Carolina. CRADLE has the expertise and contacts to compile a resource of materials being developed at local, state and national levels throughout the country. Sharing Lessons in Citizenship Education (SLICE) will collect and review elementary- and secondary-level lessons and curricula. Included in this collection will be the curricula developed through the Commission's Discretionary Grant Program. Selected plans will be cataloged and made available to teachers doing research or wanting lesson plans on specific aspects of the Constitution or to those simply wishing to use new materials in the classroom. This project is now in the developmental stages. The first catalog should be available by the 1989-90 school year.

Constitution Week: Celebrate Citizenship in September

Each year the President traditionally proclaims September 17-23 as Constitution Week, and September 17th as Citizenship Day, a special occasion for the nation to focus attention on the Constitution and citizenship.

To encourage and support school participation in this annual celebration, the Commission designed and makes available upon request an educational poster, graphically representing "We the People" through the faces of children. The back of the poster features teaching suggestions on the Constitution and citizenship appropriate for elementary, middle and high school levels. Also available is a forty-page booklet, *Constitution Week, an American Legacy*, with ideas and suggestions for planning and implementing Constitution Week activities.

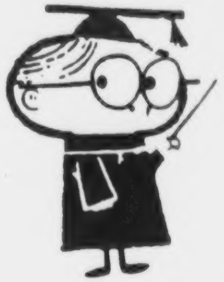
The opening of the school year is an opportune time for schools to join in the national salute to the Constitution, its history and principles, and at the same time impart to our youth an understanding of our freedoms, rights and responsibilities of citizenship.

Adult and Continuing Education

In a major effort to reach the various adult constituencies, the Commission is funding the development of specially designed and easily read adult education materials on the Constitution. Consisting of four discussion-based modules on aspects of the Constitution, a Discussion Leader's Guide and Handbook, a Supplementary Guide for Tutors of the Functionally Illiterate and an introductory video, these materials will provide a better understanding of the history and principles of the Constitution as well as its implications for civic responsibility today. The materials will be developed with the advice of Constitutional scholars and experts in the field of civic education, adult learning, English as a Second Language and community-based education programs. Camera-ready copies of the materials will be available in the fall of 1989. The Commission is also promoting in civic organizations and federal agencies noontime and evening lecture and discussion programs on the Constitution through the Speakers Bureau.

Bicentennial Campus Program

All post-secondary institutions, including vocational and technical institutes, are eligible for the Bicentennial Campus program. To participate, an institution must establish a Bicentennial Committee broadly representative of the campus community, sponsor Bicentennial activities through 1991 and be approved in some cases by its state Bicentennial Commissions. Since the program began in July 1987, over 380 colleges and universities in 45 states and the District of Columbia have been designated Bicentennial Campuses. Among the wide range of activities sponsored on campus are seminars, conferences, film series, lecture series, speakers bureaus and essay contests. Significantly, many colleges have seized the Bicentennial as an opportunity to reach out into the local communities, working with local governments and schools to develop public Constitutional awareness programs.



College-Community Forums

The College-Community Forums program is designed to engage college faculty, community leaders and citizens in public discussion of constitutional issues and provide them with a better understanding of the history and principles of the United States Constitution. Local forums have been organized by colleges and universities, acting where possible in consortium and in collaboration with other local institutions. Forum programs take place on college campuses, in town libraries, civic centers or other public places and are supported in part by Commission funding. Subjects focus on the three branches of government and the Amendments. Participants are supplied booklets discussing the thematic topics with background information to provide a focus for discussion. The Commission also provides a handbook offering suggestions for the arrangements at such events. The central event, in most cases, is a public forum in which a small panel of community leaders and college faculty leads a discussion before and with a community audience; various other events may be planned around this. Deadline for application is September 15, 1989.

Discretionary Grant Program

The Bicentennial Educational Grant Program is designed to support "the development of instructional materials and programs on the Constitution and the Bill of Rights which are designed for use by elementary or secondary school students." The Commission has awarded almost $6 million in support of 136 projects throughout the country since the Grant Program began in 1987. Funded activities range from seminars to three-day conferences and from month-long in-depth training to one-day in-service projects. Curriculum development, including the innovative use of audiovisual materials and computer software, is part of many of these projects. The program seeks to train teachers and provide them with the materials and methods to transfer their knowledge successfully to the classroom. In coming years, this network of trained teachers will serve as a basis for more diverse and innovative teaching programs. The Commission will have two rounds of competition in FY 1990. Round One will have a deadline of November 13, 1989; Round Two applications will be accepted beginning April 15, 1990 and no later than May 21, 1990. Programs designed for non-mainstream groups such as those for whom English is a second language, as well as programs exploring the relationship of specific ethnic groups to the Constitution and Bill of Rights, are encouraged. Applications seeking to replicate exemplary projects in civic education also are encouraged.

Educational Services

A number of services are available to the educational community. The Speakers Bureau is a referral service which has at its disposal over 500 names of speakers nationwide with expertise on a wide range of topics. The Bureau also serves as a resource for bibliographies, speeches, quotations and articles on Constitution-related subjects. The Project Registry is a quarterly update of Constitution-related events, projects and resources. Individuals may receive this and other developing program information by contacting the Commission.

We the People

"To Establish Justice"

Government under the Constitution
200 Years of the Judiciary

Commission on the Bicentennial of the United States Constitution
808 Seventeenth Street, NW, Washington, DC 20006
(202) USA-1787 TDD (202) 653-7471

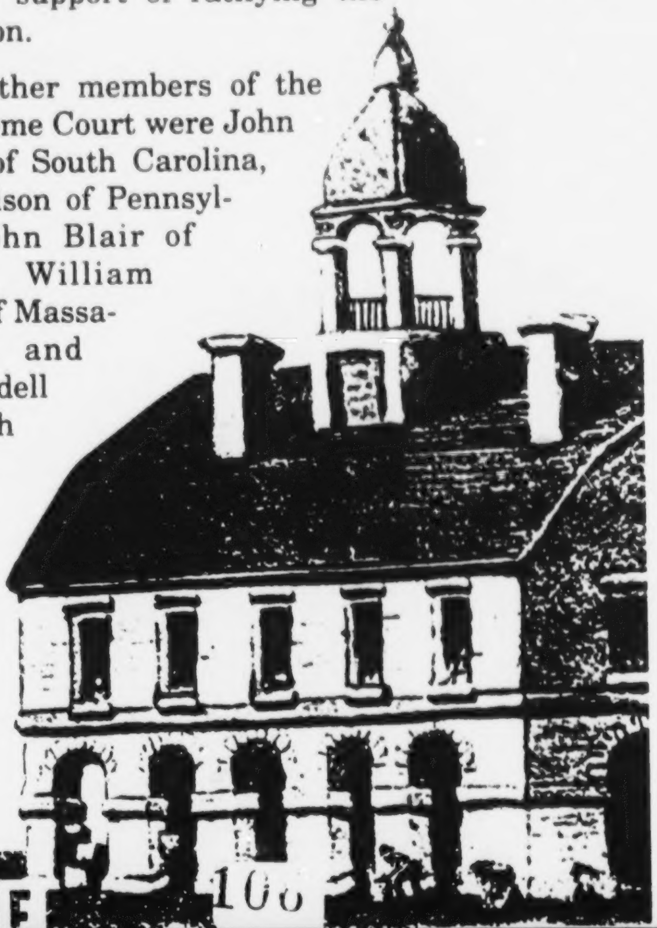
BEST C

When the Constitution created the federal judiciary, the country's state and local courts had already been in existence for generations, an important legacy from colonial times. Then, as now, these courts conducted almost all of the judicial business. The federal courts would handle cases dealing with the violation of federal law or as otherwise specified by the Constitution.

Article III of the Constitution defined the judicial branch of government in three brief sections, but it was the Judiciary Act of 1789 that created the federal judicial structure of 13 district courts, three *ad hoc* circuit courts, and the office of Attorney General, and provided for Supreme Court review of state court decisions that dealt with federal issues.

The first Chief Justice of the United States, John Jay of New York, was a staunch Federalist. A leader in New York's ratification battle, Jay joined with James Madison and Alexander Hamilton to author *The Federalist Papers*, in support of ratifying the Constitution.

The other members of the first Supreme Court were John Rutledge of South Carolina, James Wilson of Pennsylvania, John Blair of Virginia, William Cushing of Massachusetts, and James Iredell of North Carolina.



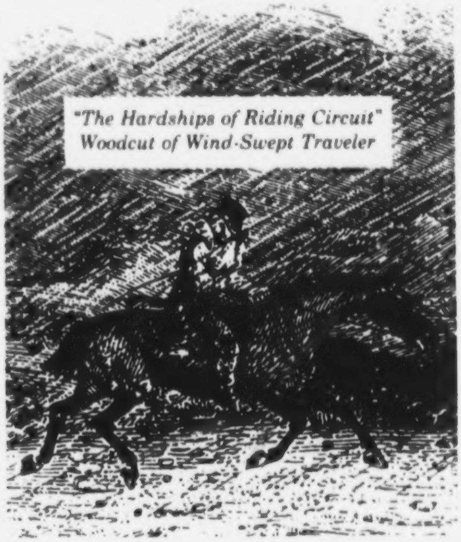
Y AVAILABLE

PLANS FOR THE FUTURE

Projects during the final two years of the Commission's five-year program to mark the Constitution Bicentennial will emphasize the Judiciary (1990) and the ratification of the Bill of Rights (1991). The commemoration began in 1987, focusing on the drafting of the Constitution; 1988, ratification by the states; and 1989, the formation of the national government under the Constitution.

In February 1990 the anniversary of the first meeting of the U.S. Supreme Court and the beginning of 200 years of partnership between our federal and state judicial systems will be commemorated. In 1991 the focus will be on the Bill of Rights and subsequent Amendments.

Bas relief from Old Supreme Court
Justice flanked by Eagle of Knowledge and V



"The Hardships of Riding Circuit"
Woodcut of Wind-Swept Traveler

The Constitution does not solve our problems.
It allows people freedom and opportunity to solve their own problems;
It provides for representatives of the people to help solve problems;
It provides an executive to enforce the laws and administer the government;
It provides a judicial branch to say what the law means;
From there on it is up to the people."

Warren E. Burger, Chairman of the Commission
Chief Justice of the United States (1969–1986)

* Educational materials, including teaching kits, student handbooks, a video on the Presidency, Congress, and the Judiciary, *Equal Justice Under Law* tapes, Constitution Week materials, and the Commission's Official 1990 Calendar are being distributed nationwide.

* Discretionary Grants will continue to support the development of programs and instructional materials on the Constitution and the Bill of Rights designed to benefit elementary and secondary school students. The Commission anticipates awarding approximately $3.6 million in two rounds of competition in FY 1990.

* The Commission, with the assistance of the Center for Civic Education, is sponsoring the second year of the Historical/Pictorial Map Contest. The National Bicentennial Competition on the Constitution and the Bill of Rights continues for a third year, with the addition of its non-competitive *We The People*...program.

* The Commission will co-sponsor with the Daughters of the American Revolution a high school essay contest on the topic, "Why Are Independent Judges Important in the Preservation of our Constitutional System of Government?"

ambers, U.S. Capitol, Washington, D.C.
ged Youth (young nation) holding the Constitution

GETTING INVOLVED

To provide a network for involvement, the Commission will direct and encourage awareness activities through State Bicentennial Commissions, Designated Bicentennial Communities, Campuses, Schools, Defense Community Programs, and the Commission-managed Speakers Bureau and Clearinghouse.

In addition, many state and federal courts across the country have law-related resources available for teachers and other educators. Schools and community groups can take advantage of these resources in planning their commemoration of the nation's judicial system.

* College-Community Forums, funded by the Commission and co-sponsored by colleges and universities across the nation, will bring together college faculty, community leaders, and citizens in public discussions of Constitutional issues, with a focus in the coming year on the Judicial Branch.

* The Commission has developed reading/discussion materials on the Constitution for both general community groups and for adult education classes in literacy and citizenship.

* The Commission will use its network of state and local commissions, and its contacts with municipal officials and national associations to promote legal education. State and federal courts will be encouraged to work with communities to increase public awareness of our dual court system.

* Commission funding will assist major projects that commemorate the establishment of each of branch of government: A traveling exhibit, "America's Star," developed by the U.S. Marshal's Service; a Supreme Court exhibit on the Judiciary Act of 1789; and volumes of a documentary history of the First Federal Congress.

John Jay
1st Chief Justice
(1789–1795)

John Marshall
4th Chief Justice
(1801–1835)

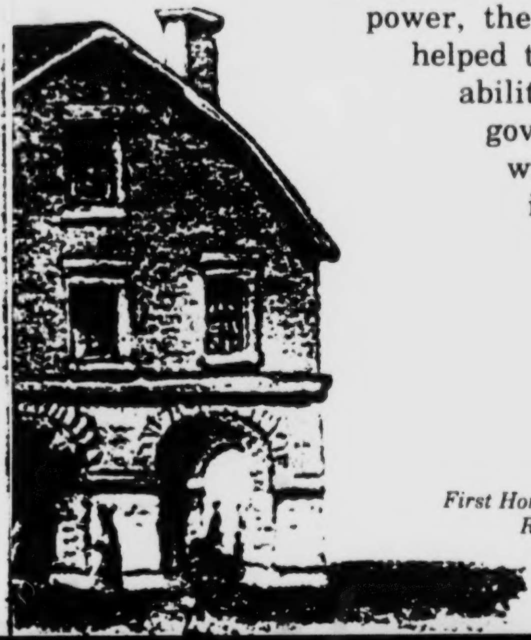
For further information on the programs mentioned in this brochure or other programs and materials on the Bicentennial of the Judiciary (1990) or Bill of Rights (1991) contact:

Commission on the Bicentennial
of the United States Constitution
808 Seventeenth Street, NW
Washington, DC 20006
(202) USA–1787

For the first three years, meeting in New York and then in Philadelphia, the Supreme Court heard no cases. But its six members were kept busy, traveling the roads of America as they presided over both trial cases and appeals in the circuits. Under the Judiciary Act, two Justices were assigned to each of the three circuits. Travel in those days was difficult, sometimes hazardous. The Justices would sometimes travel together by horseback or carriage, usually over poor roads. Justice Iredell complained of circuit riding as "leading the life of a Postboy." Today, the federal circuit courts have their own appointed judges.

In the first decade of the Supreme Court, only about a dozen cases received written decisions by the full Court. Although established, the Court's authority was yet to be determined. Like the English practice, the Justices issued separate opinions, which tended to be confusing, even when the Justices agreed on the result.

When John Marshall was appointed fourth Chief Justice in 1801 by President John Adams, the Court's voice became stronger. In 34 years as Chief Justice, he heard over 1,000 cases, writing more than 500 opinions himself, many of them "building blocks" of today's constitutional law. Under Marshall's leadership, the judiciary emerged as a respected, co-equal branch of the federal government. Using this newly invigorated power, the Marshall Court helped to strengthen the ability of the federal government to deal with problems and issues of national concern.



First Home of the Supreme Court
Royal Exchange Building
New York City, NY

Dates in History

September 24, 1789: The Judiciary Act, establishing the federal court system, is signed by President Washington.

September 25, 1789: Congress submits Bill of Rights to the states for ratification.

September 26, 1789: John Jay is confirmed as first Chief Justice of the United States.

October 19, 1789: John Jay is sworn in as first Chief Justice of the United States.

February 1, 1790: Supreme Court meets for the first time; however, a quorum is not present.

February 2, 1790: The Supreme Court of the United States convenes for the first time with a quorum present.

March 1, 1790: First Census Act

April 10, 1790: First Patent Act

May 29, 1790: Rhode Island becomes the 13th state to ratify the Constitution.

May 31, 1790: First Copyright Act

July 16, 1790: Legislation selecting the District of Columbia as the permanent seat of government is signed; 1800 is the year set for occupation of the new capital. Philadelphia is selected as temporary seat of government for the next ten years.

December 6, 1790: The three branches of government assemble in Philadelphia.

PHOTO CREDITS

Engraving of Justice, courtesy of Library of Congress.

Engraving of Royal Exchange Building, courtesy of Library of Congress

Woodcut of Wind-Swept Traveler, reprinted from "This Constitution," Project '87

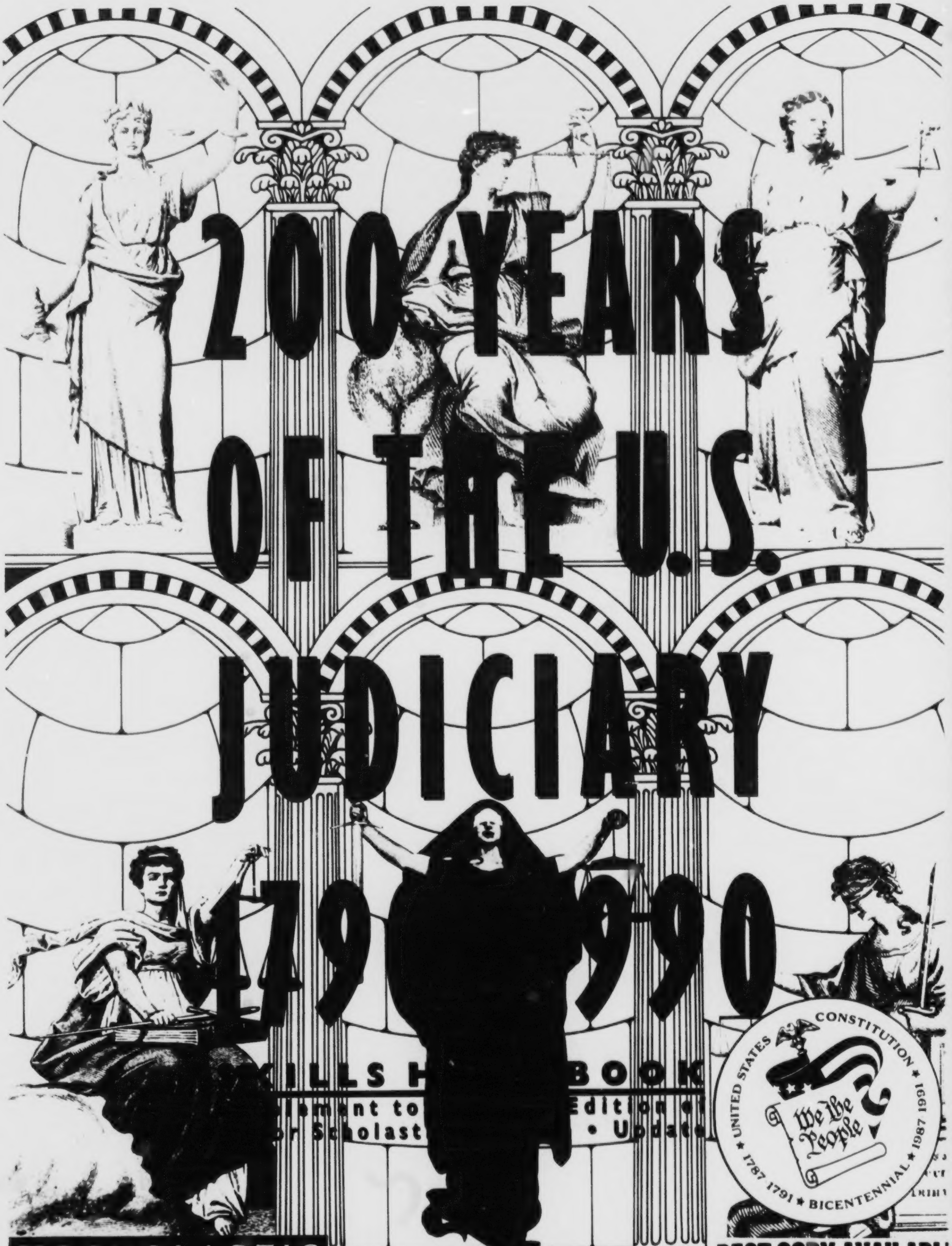
Bas relief from Old Supreme Court Chambers, courtesy of Architect of the Capitol.

Portrait of John Marshall from a painting by Henry Innman, courtesy of Library of Congress.

Portrait of John Jay by C. Gregory Stapko after a Gilbert Stuart, courtesy of Supreme Court of the United States.

200 YEARS OF THE U.S. JUDICIARY

179 990



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CELEBRATING OUR JUDICIAL HERITAGE

February 2, 1990 marks the bicentennial of the first session of the Supreme Court of the United States. To celebrate that event and our judicial heritage, the Commission on the Bicentennial of the United States Constitution and Scholastic Inc. are delighted to present this Skills Handbook for your classroom use. Reproducible Skills Masters, Quizzes, and Facts Sheets in this handbook are intended to complement your civics and history texts on the development and functioning of our state and federal court systems. They are also intended to stimulate independent research and student projects.

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Homes of the Supreme Court — Back Cover

COVER: To stress the point that our Judiciary exists to serve justice, we've used symbols of justice on the cover. Such symbols are based on Astraea, the ancient Greek goddess of justice. She is usually shown with scales and a sword. The scales symbolize the fair weighing of conflicting claims. The sword symbolizes the power to protect the public and punish wrongdoers. Sometimes, the goddess is shown blindfolded to symbolize the impartiality of the process.

This Skills Handbook on the U. S. Judiciary is one of several Projects on the Constitution sponsored by the Commission on the Bicentennial of the United States Constitution. The Chairman of the Commission is **Warren E. Burger**. Members are **Frederick K. Biebel, Lindy Boggs, Herbert Brownell, Lynne V. Cheney, Philip M. Crane, Dennis De Concini, William J. Green, Mark Hatfield, Edward Victor Hill, Cornelia G. Kennedy, Edward M. Kennedy, Harry McKinley Lightsey, Jr., Betty Southard Murphy, Thomas H. O'Connor, Phyllis Schlafly, Bernard H. Siegan, Obert C. Tanner, Strom Thurmond, Ronald H. Walker, Charles E. Wiggins, Charles Alan Wright.**

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

January, 1990

Dear Educator,

February 2, 1990 is the 200th anniversary of the first official meeting of the U.S. Supreme Court. It marks the beginning of our country's unique dual judicial system of federal and state courts, even though the latter, which then as now handled almost all the nation's legal business, had been in existence since the earliest colonial days.

The delegates to the Philadelphia Convention in 1787 did not spend as much time on the federal judiciary, defined in Article III of the Constitution, as they did in specifying the nature of the executive and legislative branches of government. The Constitution provided for "one supreme Court," but it did not say how many members that Court should have or what their qualifications should be. The Framers left all that to Congress and the President. The Judiciary Act of 1789 provided for a six-member Supreme Court, consisting of a Chief Justice and five Associate Justices. It also created 13 federal district courts and a means for appellate review of decisions in those courts in three "circuits."

The judiciary in those early years was very much different from what we would recognize today. The first Justices wore elaborate black robes with scarlet facings. In its first decade the Supreme Court wrote only a dozen or so opinions as a full court (compared with about one hundred and fifty a year today). The Justices' major work in those early years was "riding circuit" as trial and appellate judges. Such travel was arduous and sometimes dangerous. Covering hundreds of miles by horse, stagecoach, and ferry, lodging at taverns or other public houses that were often crowded, dirty, and disease-ridden, the Justices complained frequently of this duty, of which Congress did not relieve them until 100 years later.

It was not until the Chief Justiceship of John Marshall that the judiciary emerged as a respected, co-equal branch of the federal government. In 34 years as Chief Justice (1801-1835), Marshall heard over 1,000 cases and wrote more than 500 opinions himself, many of them "building blocks" of today's constitutional law.

On behalf of the Bicentennial Commission I congratulate you on your efforts in helping to make our constitutional heritage better understood by younger Americans. We hope this Skills Handbook will provide a useful resource in the teaching and learning of the Judicial Branch of government and of our nation's commitment to "Equal Justice Under the Law."

Cordially,

Warren E. Burger

Chairman
Commission on the Bicentennial
of the United States Constitution

OYEZ! OYEZ! PREPARE TO GREET THE COURTS!

On February 2, 1990, Americans will celebrate the bicentennial of our judicial system. Two hundred years ago, the first Justices (judges) of the U.S. Supreme Court met for their first day of work. How savvy are you about the American judiciary? Use these questions—they're not a test—to find out.

Directions: Read each item below. If you think a statement is true, circle **T**. If not, circle **F** for false. Be careful! Some items are tricky.

T **F** **1**. The U.S. Constitution authorized the federal judiciary.

T **F** **2.** The Supreme Court is the highest court in the federal judiciary.

T **F** **3.** The U.S. Supreme Court meets in Washington, D.C.

T **F** **4.** The U.S. Supreme Court has always had nine Justices.

T **F** **5.** John Marshall was the first Chief Justice of the U.S. Supreme Court.

T **F** **6.** U.S. Supreme Court Justices are elected every 10 years.

T **F** **7.** To qualify for membership on the Supreme Court, a person has to have been a judge in another court.

T **F** **8.** There has never been an African-American member of the U.S. Supreme Court.

T **F** **9.** Once you have served in the U.S. Congress or as President, you cannot be a Supreme Court Justice.

T **F** **10.** When the Supreme Court reviews a case from a lower court, it tries it all over again.

T **F** **11.** Since the Supreme Court reviews cases from lower courts, it cannot try cases.

T **F** **12.** Anne X was convicted of a crime in a lower federal court. If she asks the U.S. Supreme Court to review her case, the Court must do so.

T **F** **13.** The Supreme Court's main task is to identify unconstitutional actions by the U.S. President.

T **F** **14.** The Supreme Court can select any law of Congress to test its constitutionality.

T **F** **15.** The Supreme Court cannot declare a state law unconstitutional.

T **F** **16.** By tradition, lower federal courts apply Supreme Court decisions to the cases they hear.

T **F** **17.** Only criminal cases are tried in a federal court.

T **F** **18.** There is at least one federal court within each state.

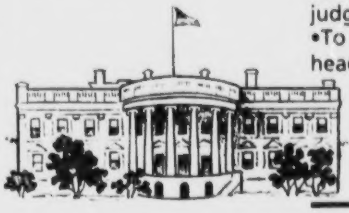
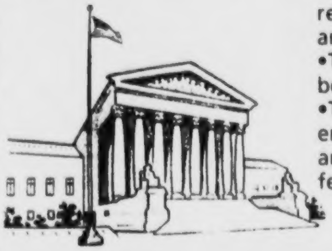
T **F** **19.** Like the U.S. government, each state has its own judiciary.

T **F** **20.** The purpose of all courts is to punish people accused of breaking the law.

OUR GOVERNMENT: HOW POWER IS CHECKED AND BALANCED

The power of the U.S. government is constitutionally divided among its legislative, executive, and judicial branches. Congress makes the laws. The President approves or vetoes the laws. The Supreme Court has primary responsibility for determining the constitutionality of the laws. In addition, each branch has ways to check the other two, if they abuse their power. The chart below outlines how it works.

Directions: Read the first two rows carefully. Then figure out—and fill in—the missing information about the Supreme Court.

BRANCH OF GOVERNMENT	CHIEF POWERS OF THIS BRANCH	HOW IT CHECKS OTHER BRANCHES	HOW OTHER BRANCHES CHECK ITS POWER
LEGISLATURE (U.S. Congress) 	•To lay and collect taxes, to borrow and coin money •To regulate commerce •To declare war •To raise and support an army and navy •To admit new states •To approve treaties (Sen.) •To approve Presidential appointments (Sen.) •To impeach and try the President and other officials •To make laws	•Can override a Presidential veto with a 2/3 vote •Can deny funds for Presidential programs •Can refuse to approve Presidential appointments •Can reorganize federal courts •Can impeach and remove federal officials •Can propose amendment to override Court decision on a law	•President can veto acts passed by Congress •President can call a special session of Congress •Supreme Court can declare Acts of Congress unconstitutional
EXECUTIVE (President) 	•To see that U.S. laws are enforced •To serve as commander-in-chief of the armed forces •To make treaties •To appoint Justices, other judges, and ambassadors •To represent the U.S. as its head of state	•Can veto acts passed by Congress •Can call a special session of Congress •Can appoint judges and Justices •Can pardon a person judged guilty in a federal court	•Congress can override President's veto with 2/3 vote •Congress can deny funds for President's programs •Senate can refuse to approve a treaty •Senate can refuse to confirm Presidential nominee •Supreme Court can interpret treaties •Supreme Court can declare a Presidential action unconstitutional
JUDICIARY (Supreme Court) 	•To hear appeals in all cases related to the Constitution and federal laws and treaties •To hear and decide all cases related to U.S. consuls, ambassadors, etc. •To hear and decide cases between states •To decide cases under federal criminal and civil laws and between citizens of different states	Check on Legislature ____________________ ____________________ Check on Executive ____________________ ____________________	Check by Legislature ____________________ ____________________ Check by Executive ____________________ ____________________

AMERICA'S JUDICIAL SYSTEM—HOW IT BEGAN

Directions: Read the passage carefully. Then write a short definition of each *italicized* word or term. Base your definitions on the way each word or term is used in this passage.

A country's *judiciary* is a mirror of its whole society. Sit in the rear of its several courtrooms for a while, and you'll "see" how good a country's laws are, how free its people. If the courts apply the same rules to everyone, without regard to a person's race, sex, or religion, you know you're in a *society of "equal justice under the law."* By this standard, Americans can take pride in their dual judicial system made up of state and federal courts.

As a system, America's state courts are the oldest. The first English colonies in North America had courts almost as soon as the settlers landed in the 1600s. These courts were supposed to apply English law to the colonists' problems but were hardly more than *agents* of their governors. Gradually, however, as settlers spread westward, the colonies set up new town and county courts. And the judges in these courts increasingly took local customs into consideration when making their decisions.

During the Revolutionary period, a new concept of justice spread through the colonial courts. Patriots in the 1770s claimed they served a *"higher law"* when they resisted offensive acts of the king and parliament. After the War for Independence, the 13 states adopted written constitutions and said these were the "highest law" within their borders. Some state judges even felt free to call a state law illegal, if it *violated* the state's constitution. By the 1780s, six states had independent judiciaries capable of judicially reviewing state laws.

Nevertheless, between 1781 and 1789, the American government under the Articles of Confederation had no judiciary. Who needs "national" courts, many asked. Weren't the state courts sufficient for the needs of the people? The writers of the U.S. Constitution saw different questions. Who, for example, would resolve disputes among states? A national court system was the obvious answer.

Some of the framers of the Constitution saw other benefits to an independent federal judiciary. In James Madison's words, this branch of government would be "a *bulwark* against every assumption of power" by the "legislative or executive." It would resist every "encroachment" on rights spelled out in the Constitution. Yes, the states would still handle the vast majority of legal cases. But a federal judiciary would protect the integrity of the Constitution and the *sovereignty* of the people.

And so, Article III of the U.S. Constitution set up the U.S. Supreme Court and authorized Congress to create a network of federal courts to aid it. To keep the Court completely free from politics, the Constitution said that federal judges were to be *appointed* for life. The location and duties of judges in the lower federal courts were spelled out by the Judiciary Act of 1789.

---

judiciary ____________________

society of "equal justice under the law" ____________________

agents ____________________

"higher law" ____________________

violated ____________________

abuse ____________________

delegates ____________________

bulwark ____________________

sovereignty ____________________

appointed ____________________

AMERICA'S JUDICIAL SYSTEM—HOW IT WORKS

The federal system of courts in America is like a pyramid. At the very top is the Supreme Court, the "court of last resort." Under the Constitution, its nine Justices have the power to try certain cases—disputes involving two states, for example, or a case involving an ambassador. But such "original jurisdiction" matters arise very rarely.

Most of the Court's time is spent reviewing decisions from lower federal courts or from the highest courts of the states. Each year, Supreme Court justices receive more than 5,000 petitions to review such decisions. They accept only the most important of these—cases that demand a decision about the meaning of the Constitution or a specific federal law.

Below the Supreme Court are 13 U.S. circuit courts of appeals. These courts are like "gatekeepers." They reduce the flood of cases that reaches the Supreme Court. They accept appeals from litigants who are unhappy with the decision of a lower federal court. They apply the same judgment to cases as the Supreme Court does. And they satisfy the right of Americans to have their cases appealed from a lower federal court.

At the bottom, 94 district courts serve as trial courts for the federal system. The issues in these cases are often the same as you'd hear discussed in a state court—car accidents, for example, and property disputes. But a case cannot get into a federal court unless, in some way, it touches the U.S. government, a federal law, the Constitution, or it involves parties from different states. The tables below show the kinds of cases the district courts handle.

TYPES OF CASES IN THE FEDERAL DISTRICT COURTS, 1987

CIVIL Cases	**Percentage**
Lawsuits seeking to enforce a particular civil law	**48.1**
(a) Petitions from state prisoners	13.7
(b) Civil rights cases	8.3
(c) Social security cases	5.6
(d) Labor law cases	5.3
(e) Petitions from federal prisoners	1.9
(f) OTHERS	13.3
Disputes over a contract	**29.1**
Claims for harm or injury	**18.0**
Cases involving land ownership and rights	**4.8**

Number of Federal Civil Cases in 1987: 238,982

TYPES OF CASES CONTINUED

CRIMINAL Cases	**Percentage**
Embezzlement and fraud	22.4
Drunk driving and traffic violations	18.8
Narcotics	12.1
Larceny and theft	8.2
Marijuana	7.0
Homicide, robbery, assault, and burglary	5.4
Forgery and counterfeiting	5.1
Weapons and firearms	4.6
Immigration	3.9
Controlled substance	2.0
OTHERS	10.5

Number of Federal Criminal Cases in 1987: 42,156

Source: Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics*, CQ Press, a Division of Congressional Quarterly, Inc. Page 283

Directions: Circle **F** if a statement expresses a fact, **O** if it expresses an opinion. Base your answers on the above excerpt only.

F O 1. The federal court system is three-tiered.

F O 2. The Supreme Court ought to have more than nine Justices.

F O 3. U.S. district courts are actually trial courts.

F O 4. More than 5,000 petitions for review arrive in the Supreme Court each year.

F O 5. Federal courts handle more civil cases than criminal cases.

F O 6. The courts should spend more time on criminal cases than on civil cases.

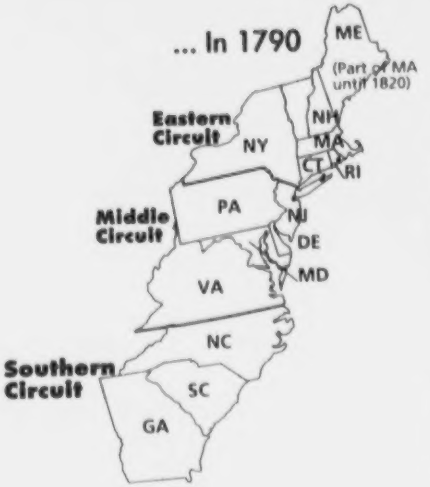
F O 7. In federal district courts, more than 50,000 cases each year involve contract disputes.

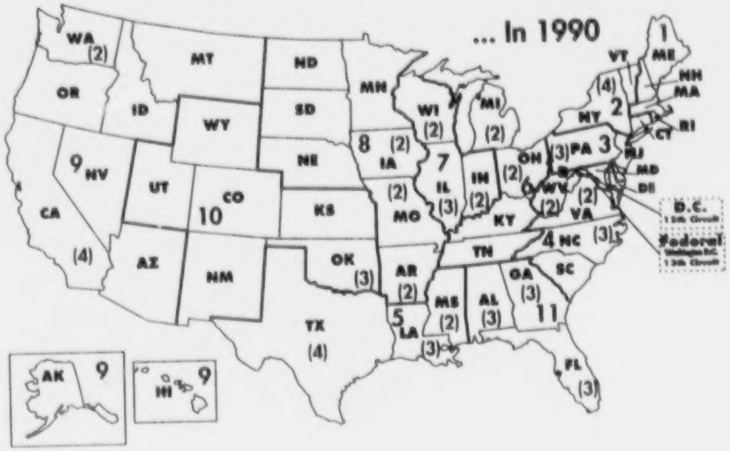
F O 8. The federal court system needs more district courts.

F O 9. Narcotics criminals would probably prefer to be tried in a state court than in a federal court.

F O 10. There are fewer immigration cases than drug cases in the federal courts.

OUR FEDERAL COURTS





Locations of U.S. Courts of Appeals for the Circuits

	Circuit
Boston, MA	1
New York, NY	2
Philadelphia PA	3
Richmond, VA	4
New Orleans, LA	5
Cincinnati, OH	6
Chicago, IL	7
St. Louis, MO	8
San Francisco, CA	9
Denver, CO	10
Atlanta, GA	11
Washington, D.C.	12

In 1790, the new federal judiciary included 13 federal district courts—one in each state. Ranked above them were three circuit courts, each including several states. At the top of the "pyramid" was the U.S. Supreme Court.

As the nation grew in size and population, the number of lower federal courts increased. Today, the federal judiciary includes 13 circuits and 94 districts.

Directions: Write the answer to each question on the line provided. Base answers on the introduction, maps, and key.

1. In what circuit was New York in 1790?

2. Name a Southern Circuit state in 1790.

3. How many U.S. district courts in Texas?

4. How many U.S. district courts in MA?

5. Where is the D.C. Circuit located?

6. In what U.S. circuit is Ohio?

7. Where is 7th Circuit's Court of Appeals?

8. How many states in the 10th Circuit?

KEY

____	State boundary line
(2,3,4)	Number of federal district courts in a state; states without a number have 1 district court.
1, etc.	A circuit in the federal judiciary system
▬▬	Line that shows the states within each circuit; Puerto Rico is in Circuit 1, the Virgin Islands are in Circuit 3, other territories in Circuit 9.

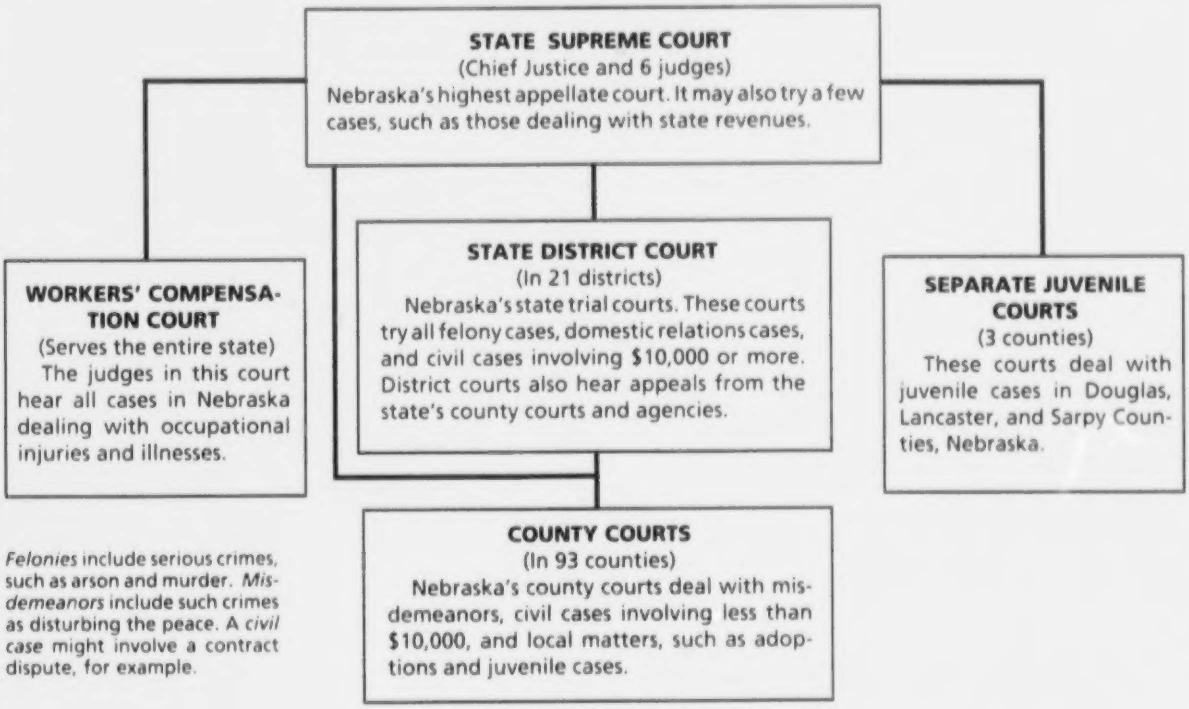
JUSTICE IN NEBRASKA'S COURTS

Like other Americans, Nebraskans place a great value on justice. The motto above the front door of their state capitol proclaims: "Wisdom, Justice, Power, Mercy: Constant Guardians of the Law."

One of Nebraska's earliest cases dealt with justice for American Indians. In 1879, Chief Standing Bear and other Ponca Indians were arrested by the U.S. Army for leaving their reservation and visiting other Indians. Thomas Tibbles, the editor of Nebraska's *Omaha World Herald*, was outraged and sued successfully to have the Poncas released.

Roscoe Pound, another Nebraskan, promoted justice as a teacher and writer. His *Spirit of the Common Law* (1921) influenced judges all over America to be more attentive to social needs when deciding cases.

Nebraska's judiciary is different from that of many other states. It has no intermediate state court of appeals. However, the state's constitution guarantees the right to appeal to the state supreme court in all civil and felony cases. The chart below shows how Nebraska's judiciary is set up.



STATE SUPREME COURT
(Chief Justice and 6 judges)
Nebraska's highest appellate court. It may also try a few cases, such as those dealing with state revenues.

WORKERS' COMPENSATION COURT
(Serves the entire state)
The judges in this court hear all cases in Nebraska dealing with occupational injuries and illnesses.

STATE DISTRICT COURT
(In 21 districts)
Nebraska's state trial courts. These courts try all felony cases, domestic relations cases, and civil cases involving $10,000 or more. District courts also hear appeals from the state's county courts and agencies.

SEPARATE JUVENILE COURTS
(3 counties)
These courts deal with juvenile cases in Douglas, Lancaster, and Sarpy Counties, Nebraska.

COUNTY COURTS
(In 93 counties)
Nebraska's county courts deal with misdemeanors, civil cases involving less than $10,000, and local matters, such as adoptions and juvenile cases.

Felonies include serious crimes, such as arson and murder. *Misdemeanors* include such crimes as disturbing the peace. A *civil case* might involve a contract dispute, for example.

Source: Court Administrator's Office, Nebraska Supreme Court. 1986

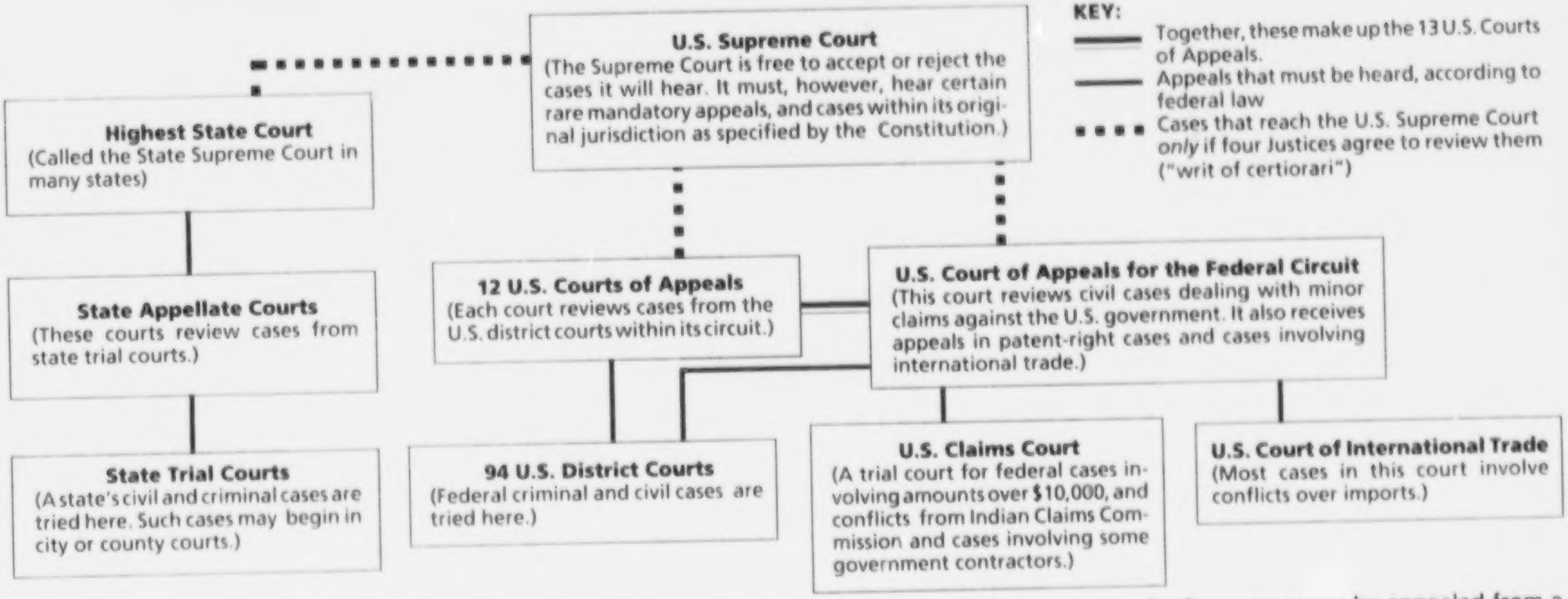
(Nebraska, like most states, takes its legal heritage from Anglo-Saxon jurisprudence. But that's not the only legal tradition in the U.S. The legal systems of Louisiana, Puerto Rico, and the Virgin Islands have been influenced by continental European traditions such as the French Napoleonic Code.

THINK ABOUT IT!

1. In what Nebraska court would you expect each of the following cases to be *tried*? (a) a suit for destruction of an artwork worth $25,000; (b) a claim for compensation for an accident at work; (c) a charge of murder in Douglas County; (d) an accusation that a 13-year-old in Sarpy County made obscene phone calls; (e) a case involving the theft of state revenues.

2. Justice William Brennan once stated that the "work of the courts of the 50 states probably has greater significance [than that of the federal judiciary] in measuring how well Americans attain the ideal of equal justice for all." Summarize one argument *for* and one argument *against* Brennan's opinion.

HOW CASES TRAVEL THROUGH AMERICA'S JUDICIAL SYSTEMS



U.S. Supreme Court
(The Supreme Court is free to accept or reject the cases it will hear. It must, however, hear certain rare mandatory appeals, and cases within its original jurisdiction as specified by the Constitution.)

Highest State Court
(Called the State Supreme Court in many states)

State Appellate Courts
(These courts review cases from state trial courts.)

State Trial Courts
(A state's civil and criminal cases are tried here. Such cases may begin in city or county courts.)

12 U.S. Courts of Appeals
(Each court reviews cases from the U.S. district courts within its circuit.)

94 U.S. District Courts
(Federal criminal and civil cases are tried here.)

U.S. Court of Appeals for the Federal Circuit
(This court reviews civil cases dealing with minor claims against the U.S. government. It also receives appeals in patent-right cases and cases involving international trade.)

U.S. Claims Court
(A trial court for federal cases involving amounts over $10,000, and conflicts from Indian Claims Commission and cases involving some government contractors.)

U.S. Court of International Trade
(Most cases in this court involve conflicts over imports.)

KEY:

═══ Together, these make up the 13 U.S. Courts of Appeals.

─── Appeals that must be heard, according to federal law

■ ■ ■ ■ Cases that reach the U.S. Supreme Court *only* if four Justices agree to review them ("writ of certiorari")

Picture This: Margo X, convicted of murder, claims her trial was unfair. Cesar Y, who sued a dealer for selling him a faulty car, lost his case. Both decide to "appeal." They ask a higher court to review the way their cases were handled. If the next court decides that a lower court made a serious error, it can overturn that court's decision.

In federal and state court systems, people have the right to appeal. The flowchart above shows how cases in both systems travel from lower to higher courts.

Directions: Write **T** if the statement is true; **F** if it is false. Base all answers on the introduction, flowchart, and key.

____ 1. The flowchart represents federal and state court systems.

____ 2. The lowest courts in both systems are courts of appeals.

____ 3. Cases can never be appealed from a state's highest court to the U.S. Supreme Court.

____ 4. A writ of certiorari indicates that at least four of the nine Supreme Court Justices want to review a case from a lower court.

____ 5. The U.S. Claims Court tries cases involving more than $10,000.

____ 6. The U.S. Court of Appeals for the Federal Circuit hears appeals only from U.S. district courts.

HOW *ERIE RAILROAD V. TOMPKINS* REACHED THE U.S. SUPREME COURT

"I'll sue you—all the way to the Supreme Court!" How many times have you heard that line on TV? Here, you can trace the steps by which an actual case got to the Supreme Court. You'll also discover how the Court, during a case review, sometimes develops a new rule of law.

A. THE ERIE FOOTPATH

Art: Justin Novak

One dark night, Harry Tompkins was on a footpath near the Erie Railroad tracks in Hughestown, Pennsylvania. As a train passed, he was struck by an object hanging from one of the cars. Tompkins decided to sue the railroad. The Constitution allows federal courts to hear cases "between citizens of different states." Since Tompkins was a Pennsylvanian and the railroad was a New York company, he could bring his suit to the federal court as a "diversity case."

B. THE TRIAL IN THE U.S. DISTRICT COURT

In court, Tompkins said the accident was the railroad's fault. It knew that people used the footpath; it should have taken care that no objects were hanging from the train. The railroad argued that, under the law of his own state, Tompkins was a trespasser. Pennsylvania did not have a written law on the subject. But in an earlier case, its highest court had decided that people on railroad footpaths were trespassers. The district judge refused to be guided by that decision. The case went to a jury who had to decide whether Tompkins had a right to be on the path or was a trespasser. Tompkins won and was awarded $30,000.

C. THE U.S. CIRCUIT COURT OF APPEALS—ROUND 1

Erie took the case to a U.S. court of appeals. There, it argued that the district court should have been guided by the Pennsylvania court precedent. It also cited the Federal Judiciary Act of 1789. Under that act, federal courts were to follow state laws in diversity cases, unless the Constitution was involved. State "law," argued Erie, includes state court "decisions." No it doesn't, said the Court of Appeals. Unless a state has a written law that applies to a case, federal judges are free to exercise independent judgment. This was based on a ruling of the Supreme Court in an earlier case.

D. THE U.S. SUPREME COURT

In 1938, the railroad asked the Supreme Court to hear the case. The Court ruled that in diversity cases, *both* the written laws of a state *and* its courts' decisions should be consulted. "There is no federal general common law" for cases that involve local matters. The Court threw out the judgments of the lower courts and sent the case back to the circuit court of appeals.

E. THE U.S. CIRCUIT COURT OF APPEALS—ROUND 2

This time, the circuit court of appeals looked into the Pennsylvania court's decision. The court agreed that Tompkins was a trespasser under Pennsylvania law and that Erie owed him nothing. Tompkins lost.

Picture This: It is 1938. You are a reporter covering the Supreme Court's decision in the *Erie* case. Write an account of the Court's decision. Provide a headline and include a summary of the case itself.

THE U.S. SUPREME COURT'S IMPACT

In May 1787, delegates to the Constitutional Convention declared their goal to be "a national government consisting of supreme legislative, executive, and judicial (branches)." Later, they agreed that the Constitution must rule as "the superior law of the nation," and that the Supreme Court must have jurisdiction over "all cases arising under the Constitution and the laws of the United States." The power to appoint Supreme Court Justices was given to the President, but only with the advice and consent of the Senate.

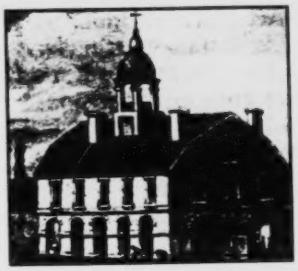


Photo: Emmett Collection, N.Y. Public Library and Rare Books, Library of Congress

1789

Congress passes Judiciary Act establishing U.S. court system of 13 district courts, 3 circuit courts, and 1 Supreme Court. The President names a Chief Justice and five Associate Justices to the Supreme Court.

1790

Three Justices, not enough for a quorum, show up for first meeting of the Supreme Court on February 1. On the following day, four Justices are present and the first session begins.

1791

Virginia ratifies the first ten Amendments on December 15, thus adding the Bill of Rights to the Constitution.

1793

In *Chisholm v. Georgia*, the Supreme Court rules that a state can be sued by a citizen of another state.

1798

To overturn the *Chisholm v. Georgia* decision, the 11th Amendment is ratified. It declares that "one of the United States" may not be sued in a federal court by a citizen of another state or country.

1803

The Supreme Court asserts its authority, in *Marbury v. Madison*, to nullify Acts of Congress that are found unconstitutional.

1816

Decision in *Martin v. Hunter's Lessee* affirms the supremacy of the Supreme Court over the courts of the states. The Court orders Virginia to return land taken from Denny Martin, a British citizen.

1824

In deciding a steamship monopoly case (*Gibbons v. Ogden*) involving New York and New Jersey, the Court affirms that Congress may regulate all commerce affecting more than one state.

1857

The Court denies Dred Scott the right to sue for his freedom in a federal court. The opinion in *Dred Scott v. Sandford* states that slaves and the descendants of slaves are not, and cannot become, U.S. citizens.

1868

The 14th Amendment overrules *Scott* decision. It declares all persons born or naturalized in the United States to be citizens of the U.S. and of the states in which they live. (Slavery was abolished by the 13th Amendment in 1865)

1886

The Court rules, in *Yick Wo v. Hopkins*, that foreign residents of the U.S. are protected by 14th Amendment "without regard to differences of race, of color, or of nationality."

1896

In *Plessy v. Ferguson* the Court finds that a Louisiana law requiring blacks and whites to ride in separate railroad cars is constitutional if the accommodation is equal.

1908

According to the *Muller v. Oregon* decision, a state (Oregon) can, for health reasons, limit the number of hours worked by women in laundries.

1918

The Court rules, in *Hammer v. Dagenhart*, that Congress overstepped its authority by passing a law to end interstate trade in goods produced by child labor.

1931

Attempts by states to curb freedom of speech and press are blocked by decisions in *Stromberg v. California* and *Near v. Minnesota*. Right of blacks to vote in primary elections is affirmed in *Nixon v. Condon*.

RESEARCH AND DISCUSSION QUESTIONS:

1. Name U.S. Presidents referred to in time boxes: 1789, 1952, 1974.
2. How did the case of William Marbury, a justice of the peace appointed by outgoing President Adams but blocked by the Jefferson administration, help define the power and independence of the Supreme Court?
3. Which Supreme Court decisions were overruled by the 11th and 14th Amendments to the Constitution?

THE U.S. SUPREME COURT'S IMPACT

During its 200-year history, the Supreme Court has changed in size several times. The 1789 Judiciary Act set the number of seats on the Court at six. Congress cut the number to five in 1801, and restored it to six one year later. Congress increased the number to seven in 1807. In 1837, the number was raised to nine, and in 1863 to ten. Two years later, Congress reduced the number to seven. The 1869 Judiciary Act restored the number to nine. In 1937, President F.D. Roosevelt failed to get Congress to increase size of Court to 15 seats.

1935

Supreme Court meets for the first time in its own building.

1937

The Court rules in *West Coast Hotel v. Parrish* that states can pass minimum-wage laws. In *N.L.R.B. v. Jones & Laughlin Steel Co.*, it affirms right of Congress to regulate state matters affecting interstate commerce.

1941

The Court overrules *Hammer v. Dagenhart* in *United States v. Darby Lumber Co.* In *Edwards v. California* the Court voids a state law intended to bar migrants from other states.

1946

An immigrant does not have to pledge to bear arms in order to a become a U.S. citizen. That, in effect, is the ruling in *Girouard v. United States.*

1952

In *Youngstown Sheet and Tube Co. v. Sawyer*, the Court rules that the President exceeded his power in seizing the nation's steel mills to prevent a strike.

1954

The Court's decision, in *Brown v. Board of Education of Topeka*, to integrate public schools overrules the "separate but equal" doctrine stated in *Plessy v. Ferguson*.

1962

The Court rules, in *Engel v. Vitale*, that public school officials may not require students to recite prayers.

1966

In *Miranda v. Arizona* the Court rules that suspects in custody must be told they have a right to remain silent and the right to legal counsel before questioning.

1967

Thurgood Marshall is the first black appointed to the Supreme Court.

1973

Based on the right to privacy implied by the 14th Amendment, the Court rules, in *Roe v. Wade*, that the decision to have an abortion should be left to a woman and her doctor.

1974

The Court rules, in *U.S. v. Nixon*, that the President must obey a subpoena to turn over tapes of conversations needed as evidence in the Watergate office break-in trial.

1978

Stating that while affirmative action to correct past injustice is constitutional, the Court rules in *Regents of University of California v. Bakke* that a white student cannot be excluded from a U.S.-funded program because of race.

1981

Sandra Day O'Connor becomes the first woman Justice on the Supreme Court.

1989

In *Richmond v. Croson*, the Court rules that affirmative action programs must remedy acts of discrimination suffered by an individual rather than those suffered by the overall group to which the person belongs.

1990

The U.S. Supreme Court marks the bicentennial of its first session.

Photo: UPI

RESEARCH AND DISCUSSION QUESTIONS:

4. What prompted Congress to reduce the size of the Supreme Court in 1865? Did the actual number of justices go down to seven at that time?

5. Why did President Franklin D. Roosevelt want to increase the size of the Supreme Court from 9 to 15 Justices? Was he successful?

6. What earlier Supreme Court decision was overruled by the decision in *Brown v. the Board of Education of Topeka*?

THE CONTROVERSIAL FACE OF JUSTICE—PART I

Americans accept the authority of the Supreme Court—but they don't always agree with it! Here's a profile of four big decisions in the 19th century. Read each case. Choose a number to indicate your rating of the Court's decision. Write your rating and the reason for it on the lines provided.

TERRIBLE! -4 -3 -2 - 1 +1 +2 +3 +4 TERRIFIC!

Marbury v. Madison. In 1801, William Marbury was appointed to a minor federal office by outgoing President John Adams. Marbury needed a commission (a signed paper) before he could take the office. He never got the commission from Adams, and incoming President Jefferson told his Secretary of State, James Madison, not to deliver it.

Marbury was angry. He asked the Supreme Court to order Madison to produce the paper. Marbury thought that a provision of the Judiciary Act of 1789 gave the Court the power to issue such orders. But the Court, through Chief Justice John Marshall, refused.

Marshall claimed that the provision in the Judiciary Act was unconstitutional. Congress, he said, could not give the Court a power that the Constitution itself did not mention. As time went on, people realized that this decision had made the Court very powerful. It could decide the constitutionality of laws passed by Congress.

Rating: ☐ **Reason:** ____________________

____

Gibbons v. Ogden. In the early 1820s, America's inland waterways were filled with boats carrying goods from one port to another. Among steamboat owners, the competition for customers was strong.

In New York State, Aaron Ogden sued one of his steamboat competitors, Thomas Gibbons. Ogden claimed to have an exclusive right from the *state* to operate steamboats on the Hudson River between New York and New Jersey. Gibbons was using a *federal* license to run boats in the same area. The case reached the U.S. Supreme Court in 1824.

Under Chief Justice Marshall, the Court supported Gibbons. It said his federal license was protected by Article I of the Constitution: "The Congress shall have power... to regulate commerce... among the... states." No state, said Marshall, could interfere with this power. The decision spurred steamboat competition, expanded federal power—and angered some states.

Rating: ☐ **Reason:** ____________________

____

Dred Scott v. Sandford. In the 1830s, Dred Scott was the slave of an U.S. Army surgeon, Dr. John Emerson. Between 1834 and 1838, Emerson took Scott to Illinois (a non-slave state) and to the territory of Wisconsin. Slavery had been previously banned in Wisconsin by the federal government.

By 1846, Scott was living in Missouri, where he sued for his freedom. He claimed that the years he had spent on free soil made him legally a free man. Scott's case moved through state and federal courts, reaching the U.S. Supreme Court in 1857.

The Court declared that Scott was a slave under the laws of Missouri. Slaves, it argued, could not become citizens by traveling. It even denied the claim that Wisconsin was a "free" territory. Congress, said the Court, had no power to ban slavery in the territories. Besides its effect on Scott, this decision made the Missouri Compromise unconstitutional—and hastened the Civil War.

Rating: ☐ **Reason:** ____________________

____

Plessy v. Ferguson. On June 7, 1892, Homer Plessy purchased a first-class ticket on the East Louisiana Railway. Plessy, who had both black and white ancestors, sat in a coach reserved for whites. The conductor demanded that Plessy move to the coach where blacks, by state law, were forced to sit. When Plessy refused, he was jailed and brought to trial.

Plessy sued the judge. He claimed that the state's segregation policy was unconstitutional under the 14th Amendment (1868). This amendment guarantees "equal protection of the laws" to all.

In 1896, by an 8:1 vote, the U.S. Supreme Court upheld Louisiana's right to establish "separate but equal" railway coaches. But there was a strong dissent. Arguing against the decision, Justice John Marshall Harlan said "The Constitution is color-blind, and neither knows nor tolerates classes among citizens."

Rating: ☐ **Reason:** ____________________

____

THE CONTROVERSIAL FACE OF JUSTICE—PART II

Americans accept the authority of the Supreme Court—but they don't always agree with it! Here's a profile of four big decisions in the 20th century. Read each case. Choose a number to indicate your rating of the Court's decision. Write your rating and the reason for it on the lines provided.

TERRIBLE! -4 -3 -2 - 1 +1 +2 +3 +4 TERRIFIC!

NLRB v. Jones & Laughlin Steel Corporation. In 1935, Congress passed the National Labor Relations Act. The Act gave workers the right to organize for the purpose of bargaining with employers. It also set up a board, the NLRB, to deal with problems that arose under the Act.

The NLRB soon received a complaint that the Jones & Laughlin Steel Corporation had fired some workers who were union members and had prevented others from joining. The board ordered the company to rehire the workers and stop its anti-union activities. The company refused. It claimed that the NLR Act—and the board—were illegal.

In 1937, the Court upheld the NLR Act and the board's stand against the steel company It said that Congress has the right to involve itself in union activities, because such activities affect interstate commerce. The decision led to a big role for Congress in economic activities.

Rating: ☐ **Reason:** ____________________

Brown v. Board of Education of Topeka. In the early 1950s, Linda Brown, 11, walked 20 blocks to and from school each day. She could not attend the school much closer to her home. It was for whites only.

Linda's father sued the Topeka, Kansas school district for an end to the segregation within its system. In effect, he wanted to overturn the 1896 *Plessy* decision, which had permitted racial segregation. Brown based his suit on the "equal protection" clause of the 14th Amendment.

The U.S. Supreme Court heard the case in 1954. In a 9:0 decision, it supported Brown's suit. The Court agreed that forced segregation in public schools "generates a feeling of inferiority" among the minority group. Such segregation, said the Court, "may affect their hearts and minds in a way unlikely ever to be undone." The *Brown* decision reversed *Plessy* and paved the way for the civil rights laws of the 1960s.

Rating: ☐ **Reason:** ____________________

Miranda v. Arizona. One night in 1963, the police in Phoenix, Arizona, arrested Ernesto Miranda on a charge of abduction and rape. After several hours of questioning, Miranda confessed.

Miranda was convicted of the crimes and sentenced to 20-30 years in prison. His lawyer then appealed the judgment, saying his client's confession had been obtained with threats. In addition, he said, Miranda had been questioned without being told he had the right to a lawyer.

The case reached the U.S. Supreme Court in 1966. By a 5:4 vote, it supported Miranda's claim. Chief Justice Earl Warren ordered a new trial for Miranda and set rules for evidence in criminal trials. Among them: No testimony by an accused person can be used in court unless the person was advised of his or her right to remain silent and to have a lawyer present. Police officials were divided over the decision.

Rating: ☐ **Reason:** ____________________

Roe v. Wade. In 1970, Jane Roe (not her real name) was an unmarried pregnant woman in Dallas County, Texas. She wished to have an abortion "performed by a. . . licensed physician, under safe clinical conditions," but Texas law forbade it. The state allowed an abortion only when the mother's life was in danger.

Roe sued to have the Texas abortion laws declared unconstitutional. She said they violated her right of privacy under the 14th Amendment.

The case reached the U.S. Supreme Court in 1973. By a 7:2 vote, the Court overturned the Texas laws. It ruled that states (a) may not ban abortions in the first six months of pregnancy, (b) may ban abortions after six months, except when the woman's health is in danger, and (c) may make laws about the conditions for an abortion between the third and seventh months. Debate over this decision continues.

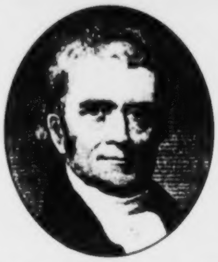
Rating: ☐ **Reason:** ____________________

SUPREME COURT JUSTICES IN A CHANGING WORLD—

PART I

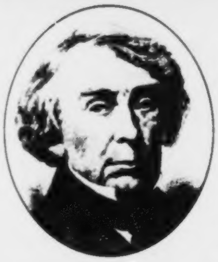
Being a Supreme Court justice demands a lot of talent, experience, and commitment. Justices have to be able to uphold the Constitution in the face of changing times. After reading the biographies below, write an essay on the justice you think made the greatest contribution on the Court.

John Marshall, Chief Justice (1801-1835)



When Marshall became Chief Justice, the Supreme Court was the weakest branch of government. Under Marshall's leadership, the Court changed its image through hundreds of judicial decisions on issues the new nation was facing. Did the Court have the right to declare an act of Congress unconstitutional? Yes! (*Marbury v. Madison*, 1803.) Did Congress have an implied power to make laws not specifically stated in the Constitution? Yes! (*McCulloch v. Maryland*, 1819.) Were contracts going to be protected under the Constitution? Yes! (*Dartmouth College v. Woodward*, 1819.) Marshall, who wrote more than 500 decisions, wanted to protect the Constitution so that it would "endure for ages to come."

Roger B. Taney, Chief Justice (1836-1864)



In the 1830s, the nation was growing rapidly. Everywhere, businessmen were applying for state charters to form corporations. A new legal question developed: Could a state give a charter to more than one company for the same purpose? Speaking for the court in the *Charles River Bridge* case (1837), Taney answered Yes! Competition was necessary for America's "prosperity." In 1857, he faced an explosive issue: Could a slave who visited free territory sue for his citizenship? No! said Taney in the *Dred Scott* decision. Slaves were "property." Moreover, he argued, Congress's Missouri Compromise, making certain territories free, was unconstitutional. Taney's last big decision fueled the Civil War.

Oliver W. Holmes, Justice (1902-1932)

Holmes came to the U.S. Supreme Court from Massachusetts, where he served on his state's highest court for 20 years. President Theodore Roosevelt, who appointed Holmes, liked his reputation for pro-labor decisions. A "trust buster," Roosevelt thought Holmes would vote against monopolies in cases before the Court. But Holmes was not that predictable. In one of his first cases, he voted *against* breaking up a railroad trust. He believed strongly that judges should exercise restraint in the use of judicial power. Holmes once said: "When the people. . . want to do something that I can't find . . . the Constitution expressly forbidding. . . I say, whether I like it or not,. . . `Let 'em to it.'"

Charles Evans Hughes, Justice (1910-1916), Chief Justice (1930-1941)

Hughes's amazing career included roles as a governor and international diplomat, plus two separate periods of service on the U.S. Supreme Court. (He resigned from the Court in 1916 to make an unsuccessful bid for the Presidency.) During his years as a Justice, Hughes saw the United States become a world power and then struggle through the Great Depression. He was a moderate who accepted most New Deal programs and defended people's basic rights. Writing the Court's opinion in *West Coast Hotel Co. v. Parrish* (1937), Hughes said it was in the "public interest" to support a minimum wage for women employed by "overreaching employers."

Photo: Wide World

SUPREME COURT JUSTICES IN A CHANGING WORLD—

PART II

Being a Supreme Court Justice demands a lot of talent, experience, and commitment. Justices have to be able to uphold the Constitution in the face of changing times. After reading the biographies below, write an essay on the Justice you think faced—or faces—the toughest decisions.

Louis D. Brandeis, Justice (1916-1939)

Even before he came to the U.S. Supreme Court, Brandeis influenced the way cases were presented to it. He persuaded lawyers in appeals courts to include the latest scientific facts in their case summaries ("briefs"). Such information, said Brandeis, could help judges make good decisions. These became known as "Brandeis briefs." On the Court, Brandeis was sympathetic to Americans trying to survive the Great Depression. He supported the constitutionality of several state minimum wage laws and of Congress's New Deal legislation. He defended people's basic liberties—especially the right of free speech. Said Brandeis, "It is the function of free speech to free. . . [people] from the bondage of. . . fear. . .."

Earl Warren, Chief Justice (1953-1969)

In 1954, Warren led his fellow Justices to a unanimous decision in *Brown v. Board of Education*. This landmark case, which outlawed segregation in public schools, split public opinion. So did many of the Warren Court's other decisions during the restless '60s. His Court ruled that prayer in school violates people's 1st Amendment rights. In *Reynolds v. Sims* (1964), the Court ordered state voting districts to be redrawn, so that state legislators would be elected on a "one-man, one-vote" basis. One of the most controversial decisions was the *Miranda* case (1966), in which the Court stated that criminal suspects must be informed about their constitutional rights before being questioned.

Thurgood Marshall, Justice (1967-)

Marshall made Supreme Court history 13 years before he was appointed to it. When the case of *Brown v. Board of Education* reached the Court in 1954, Marshall argued Brown's case against school segregation. He introduced testimony from psychologists about the effects of segregation on black children. On the Court, Marshall has been considered a champion of civil rights of all citizens. He has upheld the right of women to receive the same pay as men when they do equal work. As new social and economic issues have come to the Court in the 1970s and '80s, Marshall's philosophy has remained liberal. Saying it is unconstitutional, he twice voted against the death penalty.

Sandra Day O'Connor, Justice (1981-)

Despite efforts to label her as a "moderate" or a "conservative," Justice O'Connor has steadily resisted being pigeonholed. Her chief concern is to protect America's democratic values within a framework of the "rule of law." Her experience as a legislator, as a judge, and in the private practice of law in Arizona, has given her a broad understanding of government and the role of courts in our system. Justice O'Connor is an articulate supporter of America's dual judicial system and the principle of federalism that recognizes the important role that state courts play in our nation's life.

YOU DECIDE THE CASES!—

PART I

Picture This: As a Justice of the U.S. Supreme Court, you are about to vote on four key cases. Read each summary. Check YES or NO to the question that follows and state your reason on the line below. Your teacher can tell you the actual Supreme Court rulings.

School Prayer. In 1951, New York State's Board of Regents suggested that each school day begin with the following prayer: "Almighty God, we acknowledge our dependence on Thee and we beg Thy blessings upon us, our parents, our teachers and our country." Any student who did not wish to say the prayer could remain silent.

When New Hyde Park's school board introduced this prayer, Stephen Engel and other parents sued the board's president. They argued that he and the board violated the 1st Amendment rights of their children. This amendment guarantees that the government will not "establish" a religion. William Vitale, Jr., the board president, pointed out that 49 state constitutions expressed belief in a Supreme Being. The school board, he said, was following such traditions. It was not trying to impose religion on students.

Q. May a state introduce prayer in the classroom?

☐ YES ☐ NO

Your reasoning: ________________

Juvenile Courts. In 1964, a probation officer in Globe, Arizona, brought Gerald Gault, 15, before a juvenile court. The officer said that Gault, already on probation, had admitted making obscene phone calls. The boy had no lawyer. His accuser did not appear in court. Nevertheless, the judge committed him to a state reform school.

Gault's parents objected. They said the court had denied their son the protection of the 5th and 6th Amendments to the Constitution. The 5th Amendment allows an accused person to refuse to be a witness against himself. The 6th Amendment guarantees our right to confront witnesses against us and to be defended by an attorney.

The lawyers defending Arizona argued that such protections weren't needed in juvenile courts. They said that the goal of these courts is not to label teens criminals, but to help them reform.

Q. Do the 5th and 6th Amendments apply to teens in juvenile courts?

☐ YES ☐ NO

Your reasoning: ________________

Voting at 18. In 1970, the U.S. Congress set up several new regulations that affected American voters. One of these reduced the voting age in state and federal elections from 21 to 18.

Oregon and several other states objected. They said that Congress did not have the right to make laws for state elections. In a "bill of complaint," they asked the U.S. Supreme Court to decide. Although Attorney General Mitchell was named as respondent, Solicitor General Erwin Griswold argued the case for the federal government.

At the center of the issue was Article I, section 4 of the Constitution: "The times, places and manner of holding elections for senators and representatives shall be... [decided] in each state by the legislature thereof, but the Congress may, at any time,. . . make or alter such regulations." Each side claimed that section 4 proved its point. Who was right?

Q. May Congress set the voting age for state and federal elections?

☐ YES ☐ NO

Your reasoning: ________________

School Admissions Policy. In 1971, the Davis Medical School in the University of California set up two admissions policies. One was for "the disadvantaged"—blacks, Mexican Americans, Asian Americans, and Indians. The other was for whites.

Alan P. Bakke, a white, applied to Davis in 1973. He was turned down then, and again in 1974. Knowing that minority students with lower test scores were getting into Davis, Bakke decided to sue the university. He claimed that Davis's two admissions policies violated the 1964 Civil Rights Act, which bans racial discrimination. Bakke also sued under the 14th Amendment, which guarantees equal protection for all persons.

The university claimed that blacks had been held back by centuries of discrimination. It said that they would not enjoy racial equality unless they were offered special opportunities.

Q. Did the Davis admissions policies break the law?

☐ YES ☐ NO

Your reasoning: ________________

YOU DECIDE THE CASES!—

PART II

Picture This: As a Justice of the U.S. Supreme Court, you are about to vote on four key cases. Read each summary. Check YES or NO to the question that follows and state your reason on the line below. Your teacher can tell you the actual Supreme Court rulings.

Book Banning. In the 1970s, an organization called Parents of New York United drew up a list of works they felt were offensive to Jews and Christians. Their list also included works they considered too "filthy" for students to read.

The school board of the Island Trees Union Free School District removed nine books on this list from its high school and junior high libraries. The banned books included Kurt Vonnegut's *Slaughterhouse Five*, Piri Thomas's *Down These Mean Streets*, Desmond Morris's *The Naked Ape*, and Bernard Malamud's *The Fixer* (winner of the 1967 Pulitzer prize for fiction).

Several students sued the school board for violating their 1st Amendment rights to free speech and free inquiry. The school board argued that it had a right to promote democratic values, including respect for authority.

Q. May a board of education remove books from a school's library?

☐ **YES** ☐ **NO**

Your reasoning: ____________________

Purse Search. In 1983, a teacher in a New Jersey high school suspected a student of breaking the no-smoking rule. When the student denied she had been smoking, a vice principal searched her purse. Inside were marijuana, a pipe, and other items that confirmed his suspicion.

School officials turned the evidence over to the police, who charged the girl ("T.L.O.") as a delinquent. T.L.O's lawyer asked to have the so-called evidence thrown out of court. He argued that it was taken in violation of the 4th Amendment, which bans unreasonable searches and seizures. The judge declared T.L.O. a delinquent and sentenced her to a year's probation.

As the case moved through the courts, the school argued that teachers have to enforce discipline. To do this, they said, teachers must be able to search students' purses and lockers.

Q. May school officials legally search a student's purse?

☐ **YES** ☐ **NO**

Your reasoning: ____________________

Vulgar Speech. On April 26, 1983, Matthew Fraser, a student at Bethel High School in the state of Washington, delivered a speech during a school assembly. Despite advance warnings by two teachers, Fraser used extremely vulgar language in his speech.

The next day the assistant principal told Fraser that his speech had violated a school rule against obscene language. Fraser was suspended for several days and his name was removed from a list of candidates for graduation speaker.

Fraser and his father sued the school district. They claimed that his 1st Amendment rights had been violated, since he was being punished for exercising free speech. School officials argued that they had to uphold fundamental values of education. And they reminded the court that the teen had fair warning not to give the speech.

Q. May a school discipline a student for using vulgar speech?

☐ **YES** ☐ **NO**

Your reasoning: ____________________

School Newspaper. In the early 1980s, *Spectrum* was a popular school paper at Hazelwood East High School in St. Louis, Missouri. Partly funded by the board of education, *Spectrum* was written and edited by the Journalism II class.

As the May 13th issue was being planned, the school's principal saw two of its articles. One was about pregnant students. The other described the effect of divorce on a teen. The articles used false names, but the principal thought the people were easy to identify. He ordered the articles removed before the paper was printed.

The three student editors of *Spectrum* then sued the school district. They argued that their 1st Amendment right to free speech had been violated. The school district argued that *Spectrum* was part of the curriculum, and therefore not a "public forum" protected by the First Amendment.

Q. May a school censor a student publication?

☐ **YES** ☐ **NO**

Your reasoning: ____________________

DEFENDER OF THE CONSTITUTION

As Americans debated the adoption of the Constitution in 1788, certain questions arose again and again. What would happen if the new Congress assumed powers not granted to it? What role would the federal judiciary play? In *Federalist 78*, Alexander Hamilton answered both questions: The Constitution, he wrote, is the "fundamental law" of the land, and it is the role of the judiciary to "ascertain (define) its meaning." In any conflict between an act of Congress and the Constitution, he added, "the Constitution... [would] be preferred to the statute." For 200 years, the Supreme Court has been faithful to its role as definer—and defender—of the Constitution. In this role, it is often asked to decide the constitutionality of an act of Congress, the President, or a state.

Directions: As you read each example of a Court decision, choose the best label to describe its finding. Write the label on the line provided.

CA/UN	Congressional act was unconstitutional.
CA/C	Congressional act was constitutional.
PA/UN	Presidential act was unconstitutional.
PA/C	Presidential act was constitutional.
SA/UN	State act was unconstitutional.
SA/C	State act was constitutional.

____ 1. During the War of 1812, President James Madison ordered state militias (troops) into active duty. Some New England states questioned his authority to do so. In *Martin v. Mott* (1827), the Supreme Court ruled that the President does have this power.

____ 2. Dartmouth College, New Hampshire, was set up by an English charter (grant of powers) in 1769. Several years after it became a state, New Hampshire passed a law that changed the charter. In *Dartmouth College v. Woodward* (1816), the Court said that the charter was a contract and could not be changed without Dartmouth's consent.

____ 3. In 1896, Utah passed a law limiting the number of work hours in its mining industry. The state claimed it was exercising a "police" power, to protect its people's health. Mining companies objected. In *Holden v. Hardy* (1898), the Court upheld Utah's law and the reason for its passage.

____ 4. When Congress passed the Social Security Act in 1935, several employers protested. They claimed that Congress had no right to tax employers to help pay for old-age and survivor insurance. But in *Steward Machine Company v. Davis*, the Court upheld Congress's right to enact such a tax.

____ 5. In 1959, Congress passed a Labor-Management Reporting and Disclosure Act. The act required that any worker who had once been a Communist or a convicted criminal had to wait five years before becoming a labor union official. In *United States v. Brown* (1965), the Court held that this provision violated the workers' rights.

____ 6. In 1974, President Richard Nixon refused a subpoena (court order) to hand over evidence in a burglary trial. Nixon claimed that, as President, he had an "executive privilege" to refuse. In *United States v. Nixon*, the Supreme Court ruled that, in cases not affecting his duties, a President must obey such a subpoena.

REVIEWING KEY POINTS ABOUT AMERICA'S COURTS

1. Why did the framers of the U.S. Constitution want the federal government to have a separate judiciary?

2. (a) In what Article of the U.S. Constitution are the powers of the Supreme Court spelled out? (b) What are two of those powers?

3. State one way in which the U.S. Supreme Court can check the power of each of the other two branches of government.

4. Describe one route by which a case starting in a lower federal or state court could reach the U.S. Supreme Court.

5. Explain the difference between cases that the Supreme Court must accept and cases it may review under a writ of certiorari.

6. Summarize the Supreme Court's major ruling in one of the following cases: *Marbury v. Madison, Dred Scott v. Sandford, Miranda v. Arizona*.

7. Summarize the impact of one of the following Justices on American law: John Marshall, Roger B. Taney, Oliver Wendell Holmes, Earl Warren.

8. Give your own argument for or against one of the following: school board control of books allowed in school libraries, school prayer, prior school approval of material in student publications.

9. A Supreme Court Justice once said that the state courts probably have a greater impact on American life than the Supreme Court does. State one argument for or against this theory.

10. Write an editorial appropriate for the 200th anniversary of the U.S. Supreme Court (February 2, 1990). Use the other side of this paper.

USING THE SKILLS HANDBOOK WITH STUDENTS

Oyez! Oyez! Oyez! All persons having business before the honorable, the Supreme Court of the United States are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this honorable Court. —Words with which the opening session of each term of the U.S. Supreme Court begins.

PURPOSE OF THE SKILLS HANDBOOK

In addition to being a rich resource for lessons on the approaching bicentennial of the U.S. Supreme Court, the Skills Handbook has a long-range contribution to make. It can be used as the core material for a special unit on the judiciary with classes in U.S. history, government, civics, and law education. And it will be a source of activities and readings to supplement other lessons in these courses.

SUGGESTION FOR THE ORDER OF USE

The contents of the Handbook are arranged to lead students from less difficult to more difficult concepts, and from more familiar notions to less familiar ideas. Students in junior high, especially, might profit from handling the activities in the order in which they appear.

LEARNING OBJECTIVES

Students who use the entire Handbook can be asked to

- explain the origin, powers, and duties of the judiciary;
- state the relationship between the Supreme Court and the other two branches;
- compare the role of the state judiciaries with the role of the federal judiciary;
- give examples of Supreme Court cases that have made a major impact on American life;
- give examples of the way the Court's Justices have upheld the Constitution in the face of changing times;
- "decide" selected cases after reading short summaries of the positions of the litigants, and then compare their (the students') decisions with the actual outcome of each case.

GENERAL PREPARATION

Review with students the following key segments of the Constitution, as amended: Article III, Amendments 1, 4, 5, 6, and 14. These are essential to understanding many of the decisions covered on pages 12-13 and 16-17.

THIS GUIDE

The following material includes background information, tips, and discussion questions related to the activity on each page. See pages 22-23 for suggested extension and enrichment projects, page 24 for sources of further information, and inside the back cover for the answer key.

Page 2 The self-check on this page would be a good challenge for students who have already studied the judiciary. With younger students, consider using it as a "treasure hunt." Have them work in teams to look up the answers in textbooks, encyclopedias, and the like.

Page 3 Tell students the clue to this activity is to look for each reference to the Supreme Court in the first two rows, and then draw an inference as to whether the reference is a "check on" or a "check by" the Court. **Discuss:** "How would the system of checks and balances make each branch use its power more responsibly?"

Pages 4-5 Students may be interested to know that the first Justices were assigned to "circuit riding," in addition to their duties on the Court. Circuit courts met twice a year at each district court in each Justice's circuit. ("Circuit" was the term for the route.) Several Justices complained about the amount of time they had to spend traveling over poor roads, under every weather condition. **Speculate:** "Some states do not have an appellate court. What problems might arise if the federal judiciary lacked courts of appeals?"

Page 6 Be sure students grasp the key to these maps. A quick way to check their understanding would be to have them locate their own state and identify the number of district courts it has, and the circuit it's in. (See page 5 for a review of the three tiers in the federal court system.)

In connection with the "then-and-now" contrast on this page, you may want to share the following chart with students.

The U.S. Supreme Court, Then and Now

	1790	1987
Chief Justice	John Jay	William H. Rehnquist
Number of Associate Justices	5	8
Place of Assembly	New York City	Washington, D.C.
Cases brought to the Supreme Court	A handful	More than 5,000
Length of session	9 days	9 months

Page 7 Tell students that all judges in Nebraska are appointed. After their first three years in office, judges must run for "retention." That is, the voters are asked "Shall Judge ________ be retained in office?" If the voters say no, a new judge is appointed. **Discuss:** "Why might this

USING THE SKILLS HANDBOOK WITH STUDENTS (CONTINUED)

be a useful/useless model for our state?"

Consideration of the state judiciaries suggests a question that might be added to any and every chapter of the students' U.S. history text. **Discuss:** "Given the events of this period, what kinds of cases do you think were flowing into the state courts?" Examples of key trends include: The opening of the west (land disputes), the industrial revolution (owner-worker conflicts), and the urbanization of America (increasing crime).

Page 8 Students should be clear on this point: a case is tried at only one court level. After that, it becomes a "paper" case. The case is not *retried*; its records are *reviewed*, so that the judges/justices can decide whether it was handled properly. Besides rendering justice to the parties in the case, the review process has other benefits. It provides a chance to resolve important legal issues and helps assure that the law is applied consistently.

How do the Justices of the Supreme Court come to a decision about a particular case? Tell students it is often a long process. They read case "briefs" (summaries), hear the attorneys present their arguments, confer among themselves, write memos to one another, and work toward a consensus and written opinion. Dissenting and concurring opinions are often provided, too.

Page 9 This case gets into the fascinating concept of "negligence" under the law. **Discuss:** "What kinds of duties do you think home owners, car owners, and business owners owe to persons who come into contact with their property?"

Students who have their eyes on the fate of Tompkins may need prompting to see the other outcome of this case: *Erie* led to the relinquishment by the federal courts of a power they had long exercised—the imposition of their rules of law over the states in cases that raised no federal concerns.

Pages 10-11 The timeline highlights developments and decisions of the Supreme Court that helped shape U.S. History over the past 200 years. Up to 1835, many of the Court's decisions related to the power-sharing roles and interactions of the three branches of government. Discuss *Marbury v. Madison* in this context. States' rights and slavery were major issues between 1835 and 1860. *Dred Scott v. Sandford* was the big case of this period. Concerns of war and recovery were dominant between 1860 and 1872. The period between 1889 and 1919 was marked by enormous growth and sweeping social and technological changes. Many of the Court's decisions during this period were conservative. *Plessy v. Ferguson* and *Hammer v. Dagenhart* are examples. Many of the Court's rulings since 1919 have advanced social change and civil rights. Ask students to cite examples.

Pages 12-13 Notes on some of these cases:

Scott. Scott's nominal owner at the time of his suit was John F.A. Sanford of New York. (His name was misspelled in the official reports.)

Plessy. The majority opinion argued that the 14th Amendment referred to political, not social, equality. Justice John Marshall Harlan disagreed.

NLRB. This decision left it open for Congress to legislate on child labor, minimum wages, unfair business practices, consumer rights, pollution, and the like.

Miranda. The police found enough evidence to send Miranda back to jail. After his release, he was killed in a fight.

Discuss: "What was the probable impact of each of these cases on the involved parties and other interested groups?"

Pages 14-15 Justices traditionally abide by the Supreme Court's guiding principle of *stare decisis*, which means to adhere to principles decided in earlier cases. The only exception to this rule occurs in cases involving the Constitution, where the Court has been willing, in the face of more persuasive arguments, to override an earlier decision. **Speculate:** "What impact do you think the traditions established by earlier Justices have on members of the Supreme Court?"

Pages 16-17 Notes on some of these cases:

Bakke. Justice Lewis F. Powell, quoting Justice Holmes in a 1918 opinion, said "A word is not a crystal, transparent and unchanged. It is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used...." Powell added: "The concept of `discrimination,' like `equal protection of the laws,' is susceptible of varying interpretations...."

Pico. In a minority opinion, Justice William J. Brennan, Jr., said that a school library is a "locus of understanding, a place where students must always remain free to inquire, to study, and to evaluate...."

Page 18 Tell students that the Court has also defended the Constitution by limiting its own exercise of power. In 1793, President Washington sought the Court's advice on legal issues related to his policy of neutrality during the Anglo-French War. But Chief Justice John Jay told the President to look to his cabinet for such advice. Jay knew that the Court's political independence was essential to assure the public's trust in its impartiality.

Page 19 With younger students, this quiz might be given as an open-book test.

SUGGESTIONS FOR STUDENT PROJECTS AND RESEARCH—PART I

Included among the following are suggestions that would be appropriate for whole-group, small-group and individual learning projects. See also the LRE listings on page 24 for invaluable sources of information, ideas, and resources.

EXTENSION ACTIVITIES

1. Role play *Erie*. The case of *Erie Railroad v. Tompkins* (page 9) is an excellent subject for a play. Students who enjoy role plays might turn the story of that case into a series of "scenes," adapting or inventing its content to dialog. Be sure they understand the role-switch between litigants as the case moves from the district court to the appellate court: Tompkins is the plaintiff in the district court, the respondent in the court of appeals.

2. Legal guest speaker. If any student has a parent, relative, or friend in the legal profession, invite him or her to address the class on one of the topics in the Handbook—the role of the court (page 5), your state courts (page 7), the appeals process (page 8), suits for damages (page 9), or any major legal question in your area.

3. Court mapmaking. Students might research the locations of the following courts: (a) the federal district court(s) in your state and the nearest U.S. court of appeals; (b) courts at the top two levels in your state's court system. Suggest they draw a map and label these locations.

4. State judiciary. The history of your state's judiciary is probably a fascinating source of information about its people's hopes, ambitions, and frustrations. An enterprising student of U.S. history might find a good term paper in this area. Suggestion: Contact the administrator's office of your state's highest court or the librarian of a neighboring law school and request (a) a flowchart of the state judiciary, (b) brochures on its history.

5. Roster of Justices. Following the style of pages 14-15, students might research and profile the constitutional issues faced by these other past Justices of the Supreme Court: John Marshall Harlan the elder, Owen Roberts, Harlan Stone, Joseph Story, William H. Taft, and Edward D. White.

6. Juvenile justice. Many of the cases outlined on pages 16-17 deal with juveniles and the courts. If your school does not already have a curriculum or program on juvenile law, students may find it very rewarding to investigate the juvenile court system in their municipality and/or state. Encourage them to ask specific questions: What rules govern the the treatment of juveniles who are accused of serious crimes? How are they dealt with, if found guilty?

7. Current Justices. Suggest that students research the background and appointment of current Court members. Try to find articles that discuss their position on a recent case.

NAME AND TITLE	ENTERED COURT
Chief Justice William H. Rehnquist	September 26, 1986
(Chief Justice Rehnquist became an Associate Justice on January 7, 1972)	
Associate Justices:	
William J. Brennan, Jr	October 16, 1956
Byron R. White	April 16, 1962
*Thurgood Marshall	October 2, 1967
Harry A. Blackmun	June 9, 1970
John Paul Stevens	December 19, 1975
*Sandra Day O'Connor	September 25, 1981
Antonin Scalia	September 26, 1986
Anthony Kennedy	February 18, 1988

* See page 15.

8. Origin of checks and balances. History students, especially, should be able to trace the roots of our government's system of checks and balances. Suggest this short list for a research project: Aristotle's *Politics;* French philosopher Montesquieu's *The Spirit of the Laws* (1734); Thomas Jefferson's *Notes on the State of Virginia* (1784); *Federalist* # 51.

9. Students teaching students. Challenge teens who feel they have the talent to be educators to prepare a lesson on the role of courts, for students in the elementary grades. A simplified version of the *Erie* case (page 9), in which only the district court and Supreme Court are involved, might be a good vehicle. Stress the importance of using correct terms (suit, case, and review, for example) and of explaining basic concepts (both parties' right to be heard, the role of arguments in a case, and the like). Ask colleagues in the lower grades to invite your students to teach their lesson!

10. Bicentennial role play. Describe the following scenes to students as the basis for a role play of the first meeting of the first Court. Chief Justice John Jay and Associate Justices James Wilson and William Cushing arrive for the Court's first session in New York City on February 1, 1790. (Imagine the weather, traveling conditions, greetings, etc.) Since there is no Supreme Court building at the time (nor will there be for more than a century), they convene at the Royal Exchange Building. Lacking a quorum (4 out of 6), they adjourn. The next day, Justice John Blair arrives and the first session begins. The term, during which they appoint the Clerk of the Court but do little other business, lasts for nine days. Toward the end of the role play, have some students pose as reporters to interview the justices on their hopes and concerns for the judiciary.

SUGGESTIONS FOR STUDENT PROJECTS AND RESEARCH—PART II

Included among the following are suggestions that would be appropriate for whole-group, small-group and individual learning projects. See also the LRE listings on page 24 for invaluable sources of information, ideas, and resources.

ENRICHMENT ACTIVITIES

11. Literature. Some of the most thrilling moments in literature involve the administration of justice. *The Merchant of Venice* and *A Man for All Seasons* remind us of the time when modern concepts of justice were emerging in Renaissance England. *The Oxbow Incident* and stories of the Salem witchcraft trials capture the horror of a society in which fear and other passions block the administration of equal justice for all. *To Kill a Mockingbird* and *Twelve Angry Men* are classic studies of the search for justice under the American rule of law. Encourage students to research and find passages in these and other works that illustrate the human search for justice.

12. TV critiques. Suggest that a committee develop guidelines and rating cards for the class's review of popular TV shows based on courtroom events—"L.A. Law," "Night Court," "Perry Mason" "People's Court," "Matlock," "Divorce Court," and the like. Their guidelines might deal with such points as the light in which the judge, prosecutor, defendant, jury, and other members of the court are presented; the degree to which opposing attorneys are cast as "good guys, bad guys"; the frequency with which actual laws and rules of law are mentioned; and the degree to which the process of dispensing justice is respected. Have the committee distribute copies of the guidelines and rating cards for a month's survey. Your local newspaper may be interested in publishing the results!

13. Telling the public. Students who work on their school paper may want to prepare an editorial to celebrate the 200th anniversary of the first term of the Supreme Court. Encourage them to consult their librarian for help in researching details about the Court's early years. (See list of student and teacher readings on page 24.)

14. Asking the public. If school regulations permit, suggest that students conduct "live" interviews of teens and adults on the subject of the Supreme Court. Sample question: "What's the most important decision the Supreme Court has made in recent years? Please explain." By taping the answers (with respondents' consent), students will be able to compare and summarize the results of their interviews. The summary would be a good basis for classroom discussion about the way Americans perceive the judiciary.

15. Picturing the worst. Ask students to imagine America with no courts at all, no judges, no lawyers. Have them bring in pictures, drawings, and other materials for a collage to illustrate what our day-to-day society would be like ("Courtless Chaos"). To help them brainstorm the project, discuss what might ensue in each of these situations, without a judiciary: auto crash, murder, the appearance of a libelous article in a magazine, discovery of acts of official bribery.

16. Court bulletin board. Set aside a bulletin board for news clippings on current Supreme Court decisions and for articles about issues related to the issue of justice in the students' own locality. Have a student "TV journalist" prepare a 5-minute "broadcast" of the latest court news once a week.

17. Rap song or country music. Hold a contest for the best rap or country-music song about the Supreme Court's role (pages 4-5), or its decisions in historic cases (pages 12-13), or changes in its 200-year history (pages 10-11)!

18. Judicial job description. Encourage students to write a job description for a Justice of the U.S. Supreme Court. To be included: summary of duties, statement of education and previous work requirements, and personal traits that would be an asset on the job.

19. Symbols of justice. Students with an artistic flair might like to invent a new symbol or logo to represent justice. Discuss the meanings of symbols it is customarily associated with (scales of justice, Justice blindfolded, and the like).

20. Bicentennial greeting. When the bicentennial of the U.S. Supreme Court is observed on February 2, 1990, justices, judges, and lawyers all over the nation will have a special reason for pride. They are part of a centuries-old system that is dedicated to preserving the rule of law under the U.S. Constitution.

Encourage students to take part in the celebration of that anniversary by composing congratulatory "telegrams," letters or cards to send to the Supreme Court or to a federal or state court in their locality. Suggest that they mention a particular case, Justice, or type of decision — past or present — that symbolizes the value of the judiciary in their lives. A copy of the back cover of this Handbook would make an attractive cover for the students' greetings.

SOURCES OF FURTHER INFORMATION

Commission on the Bicentennial of the United States Constitution
808 17th Street, N.W.
Washington, D.C. 20006
(202) USA-1787

Sponsor of this *Skills Handbook* on the Judiciary, the Commission offers programs and publications about the Constitution reaching every age group in American education. It has made available to school media centers across the country videotape copies of the "Equal Justice Under the Law" film series, dramatizing the major court cases of John Marshall. This series is available for purchase in VHS format from the Commission. The Judiciary is the principal theme of the Commission's 1990 Official Calendar. The Calendar provides useful teaching material and is available to teachers free of charge. Copies of the Commission's *The Judiciary and the Constitutional Order* booklet and other materials are also available.

CRADLE
Wake Forest University School of Law
P.O. Box 7206 Reynolda Station
Winston-Salem, North Carolina 27109
(919) 761-5872

Sharing Lessons in Citizenship Education (SLICE), a project of the Center for Research and Development in Law Related Education (CRADLE), is a repository for K-12 teacher-generated lesson plans and other materials to help teach the Constitution and Bill of Rights. Included in the offerings is a variety of law-related education materials, including those which focus on the judiciary system and the Supreme Court. For additional information or a copy of the catalogue contact CRADLE.

LAW-RELATED EDUCATION (LRE), A National Training and Dissemination Program

LRE is a cooperative program supported by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice (OJJDP). Since 1978, LRE projects have advanced the education of young Americans in our country's legal and political processes.

Program Coordinator
Law-Related Education (LRE)
25 E. Street, N.W.
Suite 400
Washington, D.C. 20001
(202) 662-9620
Participating Projects in LRE

National Institute for Citizen Education in the Law (NICEL)
25 E. Street, N.W.
Suite 400
Washington, D.C. 20001
(202) 662-9620

NICEL has a number of teacher training programs, especially in the area of juvenile law and justice. Its publications list for secondary school includes *Street Law: A Course in Practical Law* (1986), a basic text, and *Great Trials in American History* (1985).

OTHER MEDIA

*"Current Legal Issues I" and "...II." Filmstrip programs from Random House Media, Westminster, MD. (800) 638-6460.

*"Ethics on Trial." One-hour VHS documentary from WETA, Educational Activities, Box 2626, Washington, D.C. 20013. (800) 445-1964.

TEACHER READINGS

***Administrative Office of the United States Courts.** "The United States Courts." Washington, D.C. 1989.

***Black, Charles L., Jr.** *Decision According to Law*. New York: W.W. Norton & Co. 1981.

**The Guide to American Law: Everyone's Legal Encyclopedia.* St. Paul, MN: West Publishing Co. 1987. (12-volume reference for grades 9-12)

***Panagopoulos, E.P.** *Essays on the... Meaning of Checks and Balances*. Lanham, MD: University Press of America. 1986.

***Rehnquist, William H.** *The Supreme Court: How It Was, How It Is*. New York: William Morrow & Co., Inc. 1987.

***Shafritz, Jay M.** *The Dorsey Dictionary of American Government and Politics*. Chicago: The Dorsey Press. 1988.

***Shnayerson, Robert.** *The Illustrated History of the Supreme Court of the United States*. New York: Harry N. Abrams, Inc., with the Supreme Court Historical Society. 1986.

***Stanley, Harold W. and Niemi, Richard G.** *Vital Statistics on American Politics*. Washington, D.C.: CQ Press, a Division of Congressional Quarterly, Inc. 1990.

***Wolfe, Christopher.** *The Rise of Modern Judicial Review*. New York: Basic Books, Inc. 1986.

STUDENT READINGS

***Bass, Jack.** *Unlikely Heroes*. New York: Simon and Schuster. 1981.

***Baum, Lawrence.** *The Supreme Court*. Washington, D.C.: Congressional Quarterly Inc. 1985. (As a reference)

***Bentley, Judith.** *Justice Sandra Day O'Connor*. New York: Julian Messner. 1983.

***Bernstein, Richard B. and Agel, Jerome,** *The Supreme Court: Into The Third Century*, New York, Walker & Company, 1989.

***Friendly, Fred. W. and Elliot, Martha J.H.** *The Constitution: That Delicate Balance*. New York: Random House. 1984.

***Jantzen, Steven.** *The Presidency, Congress, and the Supreme Court*. New York: Scholastic Inc. 1989. (Basal text)

***Lieberman, Jethro K.** *Free Speech, Free Press, and the Law*. New York: Lothrop, Lee, and Shepard. 1980.

***Scholastic Inc. and the Constitutional Rights Foundation.** *Living Law: Vol. I, Criminal Justice. Vol. II, Civil Justice*. New York: Scholastic Inc. 1988. (Basal texts)

ANSWER KEY

PAGE 2

1-T; 2-T; 3-T; 4-F (number has ranged between 6 and 10); 5-F; 6-F (appointed for life); 7-F; 8-F (Thurgood Marshall); 9-F (former President Taft became Chief Justice, e.g.); 10-F , 11-F (see Article III); 12-F; 13-F; 14-F (it must wait until a case involving such a law is carried to it from a lower court); 15-F; 16-T; 17-F (civil cases, too); 18-T; 19-T; 20-F.

PAGE 3

Answers will vary. (Check on the Legislature) Court can declare laws of Congress unconstitutional. (Check on the Executive) Court can interpret treaties made by the president and declare Presidential acts unconstitutional. (Check by the Legislature) Congress can impeach justices, reorganize the federal courts, and propose an amendment to override a Supreme Court decision that a law is unconstitutional. (Check by the Executive) The President can appoint justices and grant pardons.

PAGE 4

Answers will vary.

PAGE 5

1-F; 2-O; 3-F; 4-F; 5-F; 6-O; 7-F; 8-O; 9-O; 10-F.

PAGE 6

1-Eastern; 2-NC, SC, or GA; 3-4; 4-1; 5-Washington, D.C.; 6-6th; 7-Chicago; 8-6.

PAGE 7

1. (a) district court; (b) workers' compensation court; (c) district court; (d) juvenile court for that county; (e) state supreme court. 2. Answers will vary. State courts handle the vast number of cases dealing with family life (divorce and estate settlements, for example), consumer interests, labor relations, and business matters. On the other hand, the federal judiciary monitors every American's constitutional guarantee to equal protection under the law.

PAGE 8

1-T; 2-F; 3-F; 4-T; 5-T; 6-F.

PAGE 9

Answers will vary.

PAGES 10-11

1. George Washington, Harry S. Truman, Richard M. Nixon.

2. The case asserted the Court's authority to decide the constitutionality of laws passed by Congress.

3. The *Chisholm v. Georgia* decision was overruled by the 11th Amendment and the *Dred Scott v. Sandford* decision was overruled by the 14th Amendment.

4. A majority in Congress was so opposed to President Andrew Johnson's Reconstruction policies that it reduced the size of the Supreme Court from 10 to 7 to prevent him from making appointments to the Court.

5. Some of President Roosevelt's "new deal" laws, such as the National Recovery Act, were ruled unconstitutional by the Supreme Court. The President felt that if he could add 6 Justices to the Court, he could overcome this difficulty. However, the attempt failed.

6. *Plessy v. Ferguson*.

PAGES 12-13

Answers will vary.

PAGES 14-15

Answers will vary.

PAGES 16-17

***Engel v. Vitale* (1962):** By a 6:1 vote, the Supreme Court held that use of the prayer was "wholly inconsistent with the... [1st Amendment]."

***In Re Gault* (1967):** The Court ruled 8:1 that Gault had been deprived of his due-process rights. It found that Arizona's juvenile court violated the 14th Amendment by failing to provide adequately for Gault's right of counsel, right of confrontation, cross-examination of witnesses, and privilege against self-incrimination.

***Oregon v. Mitchell* (1970):** In this original-jurisdiction case, the Court upheld the right of Congress to lower the voting age for presidential and congressional elections, but not for state and local elections.

***Regents of the University of California v. Bakke* (1978):** The Court found that Bakke's rights under the "equal protection" clause of the 14th Amendment had been violated, and it ordered Davis Medical School to admit him. But it also offered the opinion that Davis could take race into account, in other ways, as it shaped its future admissions policies.

***Board of Education v. Pico* (1982):** The Justices were divided and no single opinion commanded a majority. They did agree that a school board may ban books it considers unsuitable for children—but not simply because the books express unpopular political views.

***New Jersey v. T.L.O.* (1985):** The Supreme Court decided that the search of the girl's purse was reasonable under the 4th Amendment. It said that maintaining order in a school takes priority over an individual student's right to privacy.

***Bethel School District No. 403 v. Fraser* (1986):** The Court's opinion supported the school district. While the 1st Amendment protects adults who use offensive speech in a political context, it does not follow that the same protection extends to children in public school.

***Hazelwood School District v. Kuhlmeier* (1988):** In January 1988, the Court issued a 5:3 ruling in support of the school district. It found that *Spectrum* was part of a planned learning experience, not a "public forum" under the protection of the 1st Amendment.

PAGE 18

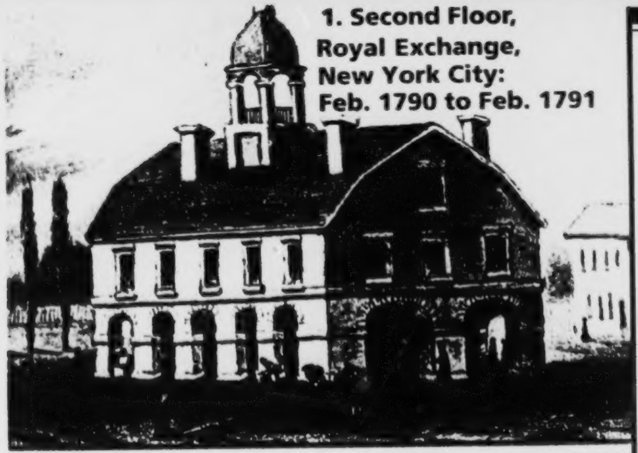
1-PA/C; 2 SA/UN; 3-SA/C; 4-CA/C; 5-CA/UN; 6-PA/UN.

PAGE 19

1 — The idea of a separate judiciary came from Europe. Six states already had one. And the framers, intending that the Constitution be the fundamental law of the land, may have doubted the ability of the legislature and the executive to check their own use of power. 2 — Article III-To try cases between two states and cases involving ambassadors, etc.; to review cases dealing with U.S. laws and the Constitution from lower state and federal courts. 3 — It can declare an act of the President or of Congress unconstitutional; 4 — See the flowchart on page 8; 5 — The court must accept cases within its original jurisdiction, it can decide to review cases dealing with other important points of law (certiorari); 6 — See pages 12-13; 7 — See pages 14-15; 8 — Answers will vary; 9 — Answers will vary. 10 — Answers will vary.

Happy Birthday 200 years of the U.S. Supreme Court

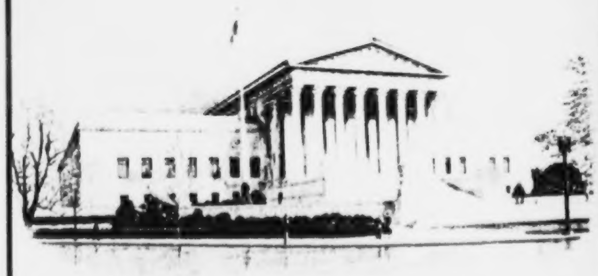
The Many Homes of the Supreme Court

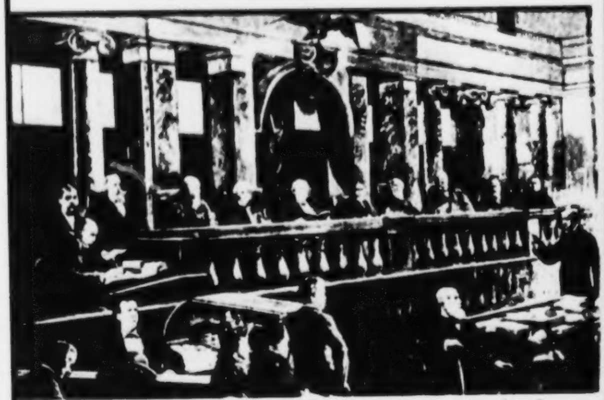

1. Second Floor, Royal Exchange, New York City: Feb. 1790 to Feb. 1791

2. Old State House (Independence Hall), Philadelphia: Feb. 1791 & One day in 1796

3. Old City Hall, Philadelphia: Aug. 1791 to Aug. 15, 1800

4. Various Rooms, U.S. Capitol, Washington D.C.: Feb. 1801 to Aug. 1814 and 1817 to 1860


7. A Home of Its Own THE U.S. SUPREME COURT Washington, D.C.: 1935 to Present


6. Old Senate Chamber, U.S. Capitol, Washington, D.C.: 1860 to 1935

5. 204 B Street, S.E., Washington: Temporary following burning of Capitol by British, Aug. 1814

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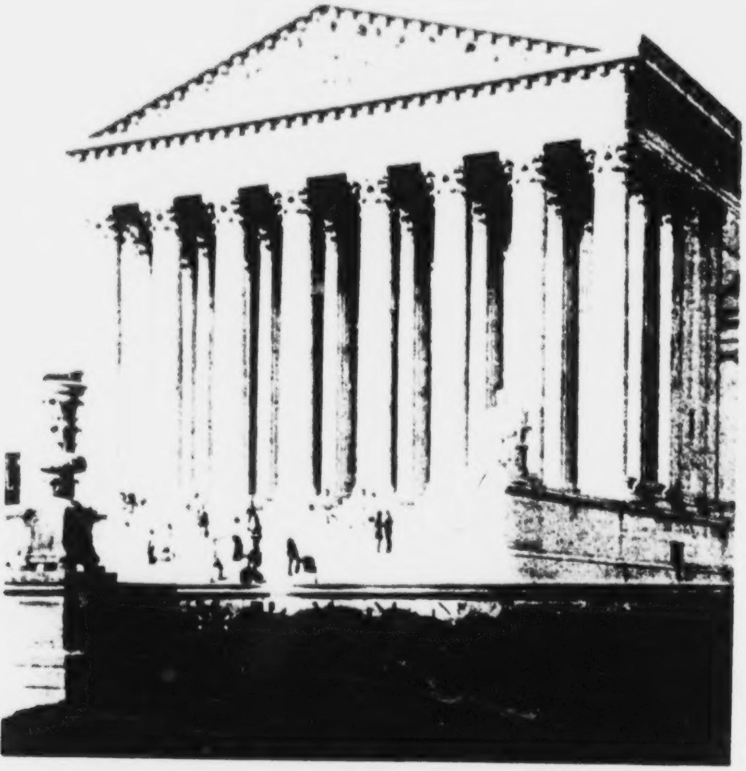
In Commemoration of the Bicentennial
of the Federal Judiciary

The Commission on the Bicentennial
of the United States Constitution

Presents

EQUAL JUSTICE UNDER LAW



A four-part video cassette dramatization of historic decisions from the courtroom of America's most famous Chief Justice, John Marshall.

EQUAL JUSTICE

The Bicentennial of the United States Constitution is a time, not only to commemorate the drafting and signing of this great document, but also to focus attention on the framework, the three branches of government, that it created. In 1987 the Bicentennial of the signing of the Constitution was observed. In 1988 the Bicentennial of the Constitution's ratification, state by state, was commemorated. In 1989 attention was focused on the Bicentennial of Congress and the Presidency. In 1990 America will observe the Bicentennial of the Federal Judiciary.

Unlike other governments before it, the American Constitution divided the process of government into three areas or branches: the executive, legislative, and judicial. The Constitution was written with a number of checks and balances designed to maintain the separation of powers between the branches.

While most Americans are familiar with the duties and functions of the executive and legislative branches, only a small percentage of the public is aware of the role and significance of the federal judiciary. Daniel Webster, while debating a judiciary bill in the House of Representatives, said: "the maintenance of the judicial power is essential and indispensable to the very being of this government. The Constitution without it would be no constitution; the government no government."

Actor portraying John Marshall

MARBURY v. MADISON

Marbury v. Madison is one of the most famous cases ever decided by the Supreme Court. It may also be the most important, for it defined the power of the Court to review acts of Congress and decide whether they were permitted by the Constitution.

President John Adams appointed Federalist William Marbury as justice of the peace, but failed to deliver Marbury's official commission before President Jefferson and the Democratic-Republicans took office. Marbury asked the Supreme Court to order Jefferson's Secretary of State, James Madison, to deliver the commission. Marbury's demand precipitated a confrontation between Chief Justice Marshall and President Jefferson.

Could the Court give Madison the Order? Would Madison obey the Court? In the end, Marshall's brilliant opinion sidestepped this awkward problem. After giving Jefferson a stern lecture, Marshall ruled the law that allowed the suit to come initially to the Supreme Court was unconstitutional, the first Act of Congress found to be in violation of the Constitution.

McCULLOCH v. MARYLAND

Congressional approval of the charters of the First and Second Bank of the U.S. was primarily a result of Congress' acceptance of Hamilton's doctrine of the implied powers of Congress. Many believed the Bank to be unconstitutional.

The economic crisis following the War of 1812 was blamed by the public on the Second Bank of the U.S. Intense local resentment led to the enactment of state statutes restricting the Bank's operation in Maryland and seven other southern and western states.

When the Maryland Bank of the U.S. refused to buy stamped paper from the state of Maryland or to pay the annual $15,000 tax required by Maryland law, the state of Maryland sued James McCulloch, the Bank's local cashier. The Maryland Court ruled against the Bank and the case was ultimately brought before the Supreme Court

The case presented two principal issues. First, was the federal law that chartered the Bank authorized by the Constitution? Second, could a state tax a federal instrumentality?

GIBBONS *v.* OGDEN

In Gibbons v. Ogden the Supreme Court built the basis for a unified American common market.

The New York State legislature granted the firm of Livingston and Fulton the right to issue licenses to steamboat operators using state waters. Ogden, a licensee of its monopoly, sued his former partner Gibbons, who had a federal license, for navigating in New York waters without a New York license. New York courts decided in favor of Ogden, forbidding Gibbons from operating in New York ports or interfering with Ogden's monopoly.

Gibbons appealed to the Supreme Court and argued that his federal license entitled him to trade between the ports of different states. Once again the Supreme Court became the arbiter of the respective powers of the federal government and the states. At issue was the extent to which the individual states and the federal government could control and regulate commerce and whether transportation was an integral part. The trial's outcome had significant ramifications that are central to American society today.

UNITED STATES *v.* BURR

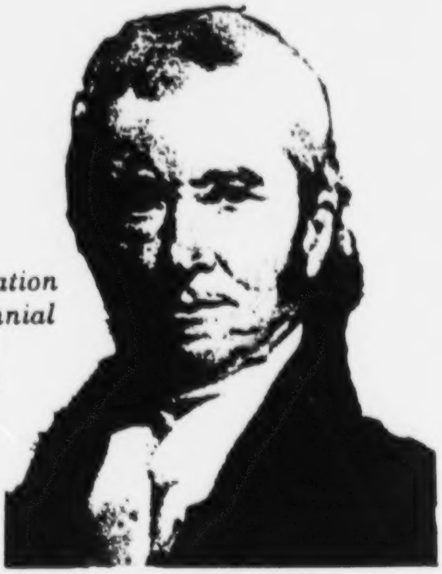
United States v. Burr was not a Supreme Court case. In 1807, Aaron Burr was tried for treason in the Federal District Court in Richmond, Virginia. Although the actual evidence against Burr was tenuous, in a message to Congress, President Jefferson had declared Burr guilty.

In a dramatic maneuver during the grand jury hearings, over which Chief Justice John Marshall and District Judge Cyrus Griffin presided, Burr requested the court to subpoena Jefferson to produce the military reports that led to the indictment.

Because Marshall insisted on satisfying due process requirements throughout the proceedings, he once again found himself in opposition to President Jefferson who insisted both on the conviction of Burr and protection of presidential privilege.

The confrontation produced dramatic results: a precedent for limiting executive privilege was set; the right of unpopular defendants to a fair trial was established; and the two witness requirement of the Constitution enforced.

UNDER LAW



Portrait of John Marshall

In commemoration of the Bicentennial of the Federal Judiciary, the Commission on the Bicentennial of the United States Constitution has made available the four-part video film series "Equal Justice Under Law."

The series was created to clarify the role of the federal judiciary in its relation to the other branches and levels of government in the United States by dramatizing four landmark cases of Chief Justice John Marshall. To a large extent, it is through Chief Justice Marshall's incisive interpretations of the powers--and limitations--of the judicial branch in the cases highlighted in this series, that the Supreme Court has been able to maintain the relevance of the Constitution over the last two hundred years. The series dramatizes the decisions in Marbury v. Madison, McCulloch v. Maryland, Gibbons v. Ogden, and the United States v. Burr.

In the words of former Chief Justice Warren E. Burger, the Constitution Bicentennial is a time for each of us to give ourselves a history and civics lesson. The Commission on the Bicentennial of the U. S. Constitution invites you to participate in this history and civics lesson by utilizing the film series in your own local community-civic clubs and organizations.

PROGRAM IDEAS

The video film series, *Equal Justice Under Law*, is a resource that is adaptable to many situations and uses. Community groups and organizations may find the series both informative and entertaining as a program event. The four tapes may be used singly or in series. An eight-page teaching guide is included with the set.

One of the most beneficial ways of presenting the series to an organization or group is to view a film dramatization of one of the cases during a regular organizational meeting. At the next regular organizational meeting a special speaker, such as an educator, lawyer, judge, or community leader, would speak on the relevancy of the court decision today. This session would be followed by a time of general discussion. For a list of *Bicentennial Speakers* in your area contact The Speakers' Bureau at the Commission (202) 653-5331

AVAILABILITY

The Commission has donated the series *Equal Justice Under Law* to over 1,800 public libraries and 6,000 educational media centers nationwide. Many of these are willing to make community loan agreements. Check with your local center to determine if it is available in your area. Interested organizations may also purchase the series directly from the Commission for $50.00 per set.

For additional information or materials on the Bicentennial, write to:

The Commission on the Bicentennial
of the United States Constitution
808 17th St. N.W., Suite 800
Washington, D.C. 20006

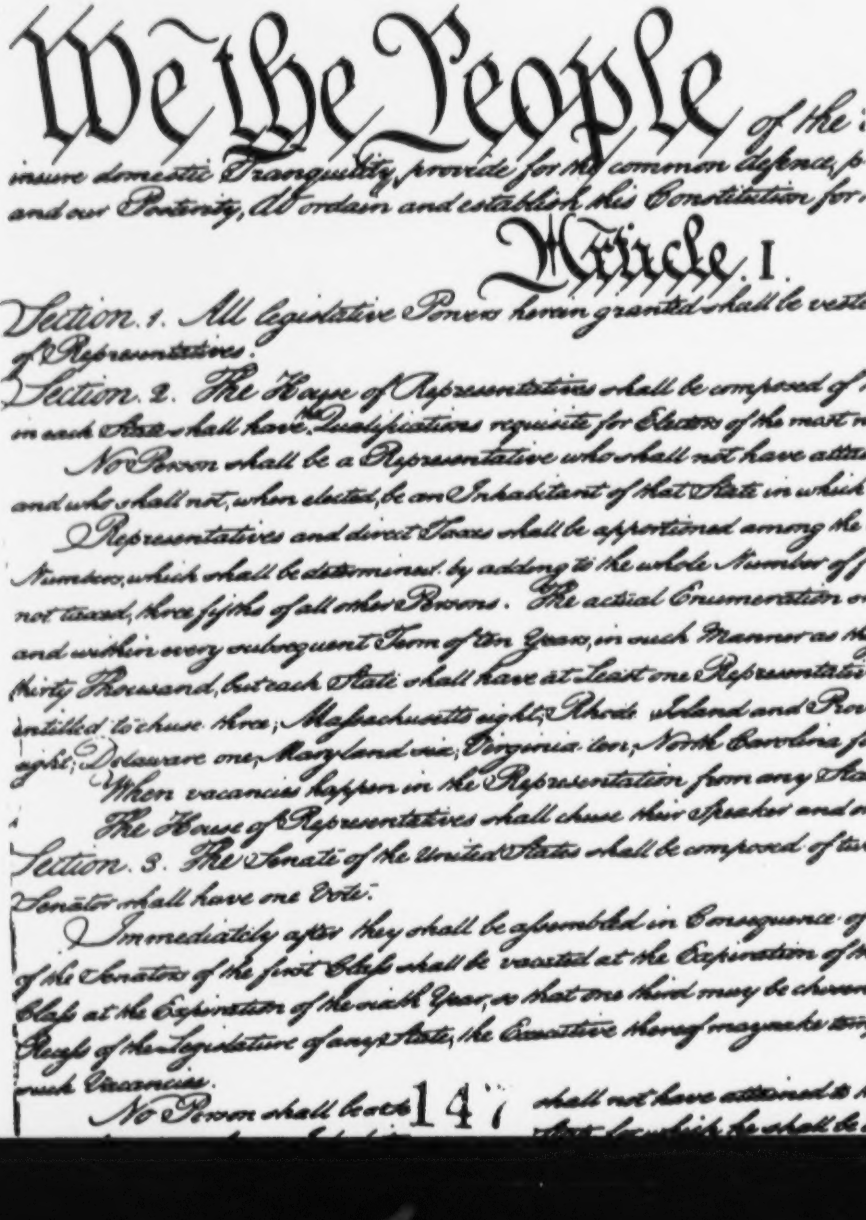
PHOTO CREDITS

Front: Photo of Supreme Court, copyright National Geographic Society.

Portrait of John Marshall from a painting by Henry Inman, courtesy of Library of Congress.

Portrait of Actor portraying John Marshall, reprinted from "Equal Justice Under Law" teaching guide

The CONSTITUTION of the United States



We the People of the

insure domestic Tranquility, provide for the common defence,

and our Posterity, do ordain and establish this Constitution for

Article I

Section. 1. All legislative Powers herein granted shall be veste

of Representatives.

Section. 2. The House of Representatives shall be composed of

in each State shall have the Qualifications requisite for Electors of the most

No Person shall be a Representative who shall not have atta

and who shall not, when elected, be an Inhabitant of that State in which

Representatives and direct Taxes shall be apportioned among the

Numbers, which shall be determined by adding to the whole Number of

not taxed, three fifths of all other Persons. The actual Enumeration

and within every subsequent Term of ten Years, in such Manner as the

thirty Thousand, but each State shall have at Least one Representati

entitled to chuse three; Massachusetts eight, Rhode Island and Prov

eight, Delaware one, Maryland six, Virginia ten, North Carolina

When vacancies happen in the Representation from any Sta

The House of Representatives shall chuse their Speaker and

Section. 3. The Senate of the United States shall be composed of tw

Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of

of the Senators of the first Class shall be vacated at the Expiration of th

Class at the Expiration of the sixth Year, so that one third may be chosen

Recess of the Legislature of any State, the Executive thereof may make tem

such Vacancies.

No Person shall be a … shall not have attained to

BEST COPY AVAILABLE

The Declaration of Independence was the promise; the Constitution was the fulfillment.

FOREWORD

In the last quarter of the 18th Century, no nation in the world was governed with separated and divided powers providing checks and balances on the exercise of authority by those who governed. A first step toward such a result was taken with the Declaration of Independence in 1776, which was followed by the Constitution drafted in Philadelphia in 1787; in 1791 the Bill of Rights was added. Each had antecedents back to Magna Carta and beyond.

The work of 55 men at Philadelphia in 1787 was another step toward ending the concept of the divine right of kings. In place of the absolutism of monarchy the freedoms flowing from this document created a land of opportunities. Ever since then discouraged and oppressed people from every part of the world have made their way to our shores; there were others too—educated, affluent, seeking a new life and new freedoms in a new land.

This is the meaning of our Constitution.

This pocket constitution is one of a new series issued by the Commission on the Bicentennial of the United States Constitution. The principal goal of the Commission is to stimulate an appreciation and understanding of our national heritage—a history and civics lesson for all of us. This lesson cannot be learned without first reading and grasping the meaning of this remarkable document—the first of its kind in all human history.

Warren E Burger

Chairman of the Commission
on the Bicentennial of the
United States Constitution
Chief Justice of the
United States, 1969–1986

CONSTITUTION OF THE UNITED STATES

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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*Changed by section 2 of the Fourteenth Amendment.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]* for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next

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*Changed by the Seventeenth Amendment.

Meeting of the Legislature, which shall then fill such Vacancies.]*

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be [on the first

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*Changed by the Seventeenth Amendment.

Monday in December,]* unless they shall by Law appoint a different Day.

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the

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*Changed by section 2 of the Twentieth Amendment.

Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

[No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.]*

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the

*Changed by the Sixteenth Amendment.

Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]*

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of the President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]*

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*Changed by the Twelfth Amendment.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

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*Changed by the Twenty-Fifth Amendment.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article. III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States; [between a State and Citizens of another State;—]* between Citizens of different States—between Citizens of the same State claiming Lands under Grants of different States, [and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.]*

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

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*Changed by the Eleventh Amendment.

Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State; And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]*

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any

*Changed by the Thirteenth Amendment.

Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

G^{o} Washington—Presid^{t}
and deputy from Virginia

New Hampshire	John Langdon Nicholas Gilman
Massachusetts	Nathaniel Gorham Rufus King
Connecticut	Wm. Saml. Johnson Roger Sherman

New York	Alexander Hamilton
New Jersey	Wil: Livingston David Brearley Wm. Paterson Jona: Dayton
Pennsylvania	B Franklin Thomas Mifflin Robt Morris Geo. Clymer Thos. FitzSimons Jared Ingersoll James Wilson Gouv Morris
Delaware	Geo: Read Gunning Bedford jun John Dickinson Richard Bassett Jaco: Broom
Maryland	James McHenry Dan of St Thos. Jenifer Danl Carroll
Virginia	John Blair— James Madison Jr.
North Carolina	Wm. Blount Richd. Dobbs Spaight Hu Williamson
South Carolina	J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler
Georgia	William Few Abr Baldwin

Attest William Jackson Secretary

In Convention Monday September 17th 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution.

That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the unanimous Order of the Convention

G^o^ WASHINGTON—Presid^t^

W. JACKSON Secretary.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA

ARTICLES IN ADDITION TO,
AND AMENDMENT OF,
THE CONSTITUTION
OF THE UNITED STATES
OF AMERICA,
PROPOSED BY CONGRESS,
AND RATIFIED BY
THE SEVERAL STATES,
PURSUANT TO THE
FIFTH ARTICLE OF THE
ORIGINAL CONSTITUTION.

Amendment I.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

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*The first ten Amendments (Bill of Rights) were ratified effective December 15, 1791.

Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Amendment VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XI.*

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII.**

The Electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as

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*The Eleventh Amendment was ratified February 7, 1795.
**The Twelfth Amendment as ratified June 15, 1804.

President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President—-]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

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*Superseded by section 3 of the Twentieth Amendment.

Amendment XIII.*

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV.**

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

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*The Thirteenth Amendment was ratified December 6, 1865.

**The Fourteenth Amendment was ratified July 9, 1868.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV.*

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI.**

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII.***

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

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*The Fifteenth Amendment was ratified February 3, 1870.

**The Sixteenth Amendment was ratified February 3, 1913.

***The Seventeenth Amendment was ratified April 8, 1913.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII.*

[**Section 1.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.]

Amendment XIX.**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

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*The Eighteenth Amendment was ratified January 16, 1919. It was repealed by the Twenty-First Amendment, December 5, 1933.

**The Nineteenth Amendment was ratified August 18, 1920.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX.*

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

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*The Twentieth Amendment was ratified January 23, 1933.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI.*

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII**

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

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*The Twenty-First Amendment was ratified December 5, 1933.

**The Twenty-Second Amendment was ratified February 27, 1951.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII.*

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

*The Twenty-Third Amendment was ratified March 29, 1961.

Amendment XXIV.*

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV.**

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

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*The Twenty-Fourth Amendment was ratified January 23, 1964.

**The Twenty-Fifth Amendment was ratified February 10, 1967.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI*

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

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*The Twenty-Sixth Amendment was ratified July 1, 1971.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

DATES TO REMEMBER

May 25, 1787: The Constitutional Convention opens as a quorum of seven states convenes in Philadelphia to discuss revising the Articles of Confederation. Eventually all states but Rhode Island are represented.

July 13, 1787: The Confederation Congress, meeting in New York City, passes the Northwest Ordinance with its antislavery provision, its Bill of Rights and its guarantee of religious freedom.

Sept. 17, 1787: All 12 state delegations approve the Constitution, 39 delegates sign it of the 42 present, and the Convention formally adjourns.

Sept. 28, 1787: The Confederation Congress resolves to submit the Constitution for state ratification.

Dec. 7, 1787: Delaware is the first state to ratify the Constitution. (Unanimous; 30 Yeas.)

Dec. 12, 1787: Pennsylvania is the second state to ratify the Constitution. (46 Yeas; 23 Nays.)

Dec. 18, 1787: New Jersey is the third to ratify the Constitution. (Unanimous; 38 Yeas.)

Jan. 2, 1788: Georgia is the fourth state to ratify the Constitution. (Unanimous; 26 Yeas.)

Jan. 9, 1788: Connecticut is the fifth state to ratify the Constitution. (128 Yeas; 40 Nays.)

Feb. 6, 1788: Massachusetts is the sixth state to ratify the Constitution after Federalists propose nine amendments, including one that reserves to the states all powers not "expressly delegated" to the federal government. (187 Yeas; 168 Nays.)

April 28, 1788: Maryland is the seventh state to ratify the Constitution. (63 Yeas; 11 Nays.)

May 23, 1788: South Carolina is the eighth state to ratify the Constitution. (149 Yeas; 73 Nays.)

June 21, 1788: The Constitution becomes effective for the ratifying states when New Hampshire is the ninth state to ratify it. (57 Yeas; 47 Nays.)

June 25, 1788: Virginia is the tenth state to ratify the Constitution. (89 Yeas; 79 Nays.)

July 26, 1788: New York is the 11th state to ratify the Constitution. (30 Yeas; 27 Nays.)

Sept. 30, 1788: The Pennsylvania Assembly is the first to select its senators.

Nov. 24-25, 1788: South Carolina elects five representatives, the first selected for the new U.S. Congress.

Feb. 4, 1789: Presidential electors select George Washington as the first President and John Adams as Vice President.

March 4, 1789: The first Congress under the Constitution convenes in New York City.

April 30, 1789: George Washington is inaugurated as the first President of the United States.

June 8, 1789: James Madison introduces proposed Bill of Rights in the House of Representatives.

Sept. 24, 1789: Congress establishes a Supreme Court, 13 district courts, three ad hoc circuit courts, and the position of Attorney General.

Sept. 25, 1789: Congress approves 12 amendments and sends them to the states for ratification.

Nov. 21, 1789: North Carolina is the 12th state to ratify the Constitution, after Congress proposes a Bill of Rights. (194 Yeas; 77 Nays.)

Feb. 2, 1790: Supreme Court convenes for the first time after an unsuccessful attempt February 1.

May 29, 1790: Rhode Island is the last of the original states to ratify the Constitution. (34 Yeas; 32 Nays.)

Dec. 15, 1791: Virginia ratifies the Bill of Rights, and ten of the twelve proposed amendments become part of the U.S. Constitution.

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At the conclusion of the Convention, Benjamin Franklin was asked, "What have you wrought?" He answered,

"...a Republic, if you can keep it."

Commission on the Bicentennial
of the United States Constitution

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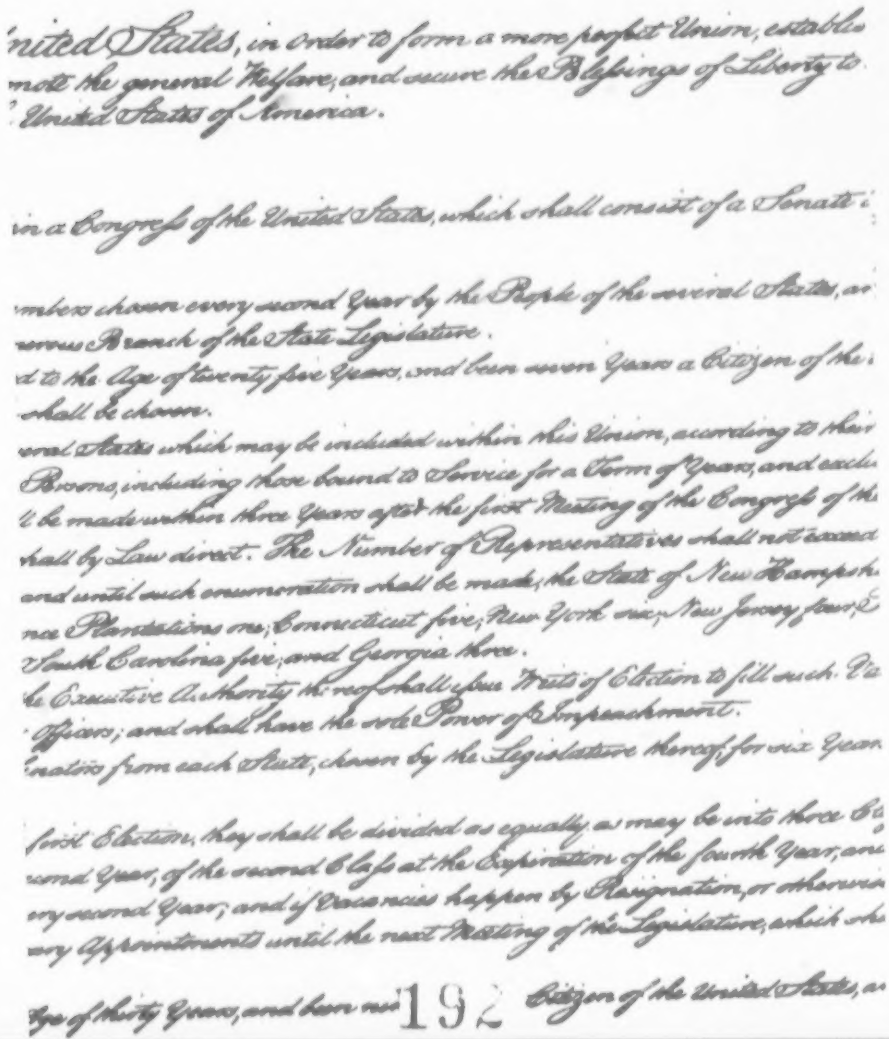

nited States, in Order to form a more perfect Union, establi
mote the general Welfare, and secure the Bleſsings of Liberty to
' United States of America.

in a Congreſs of the United States, which shall consist of a Senate

mbers chosen every second Year by the People of the several States, an
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shall be chosen.
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and until such enumeration shall be made, the State of New Hampsh
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South Carolina five, and Georgia three.
he Executive Authority thereof shall issue Writs of Election to fill such Va
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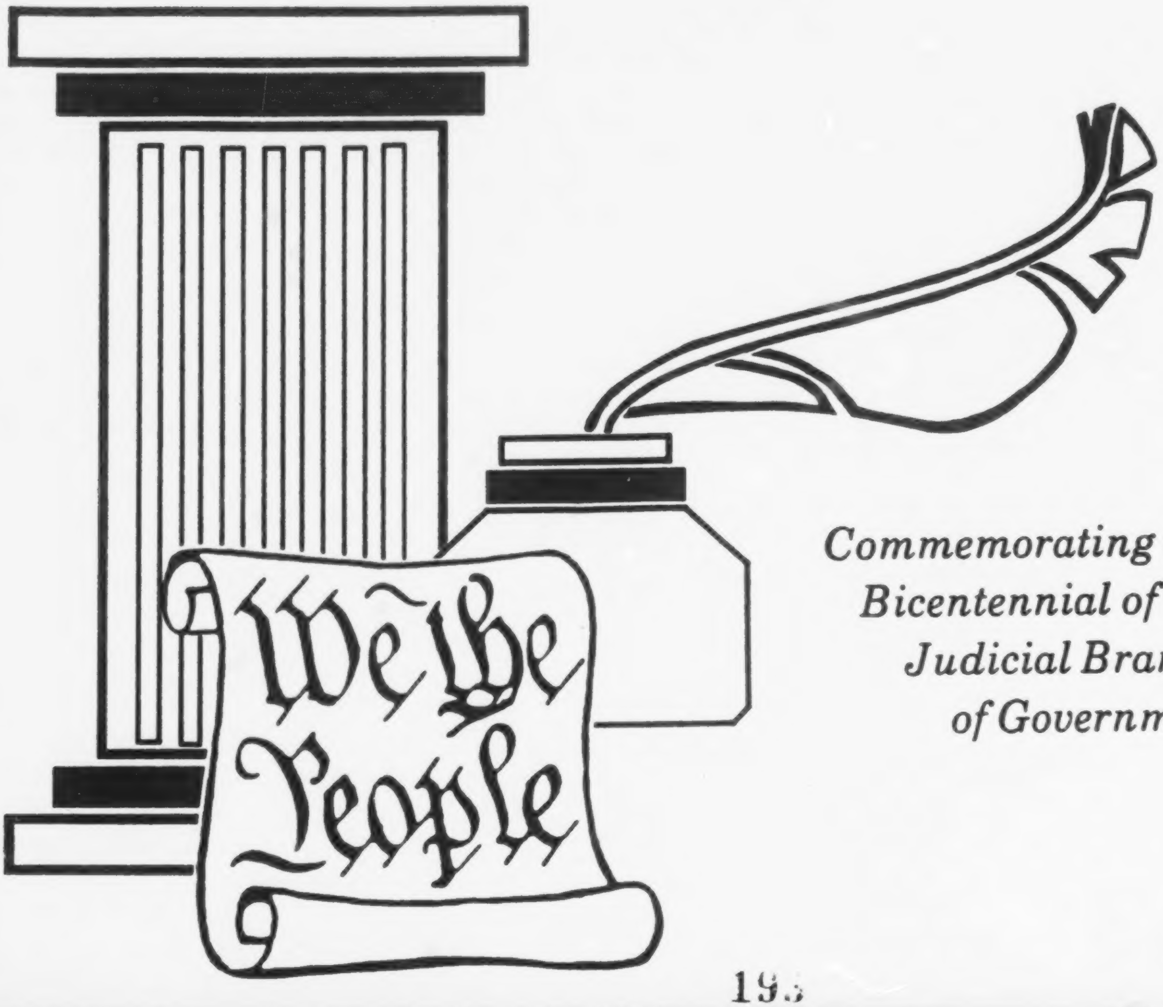
The Commission On The Bicentennial
Of The United States Constitution

IN COOPERATION WITH

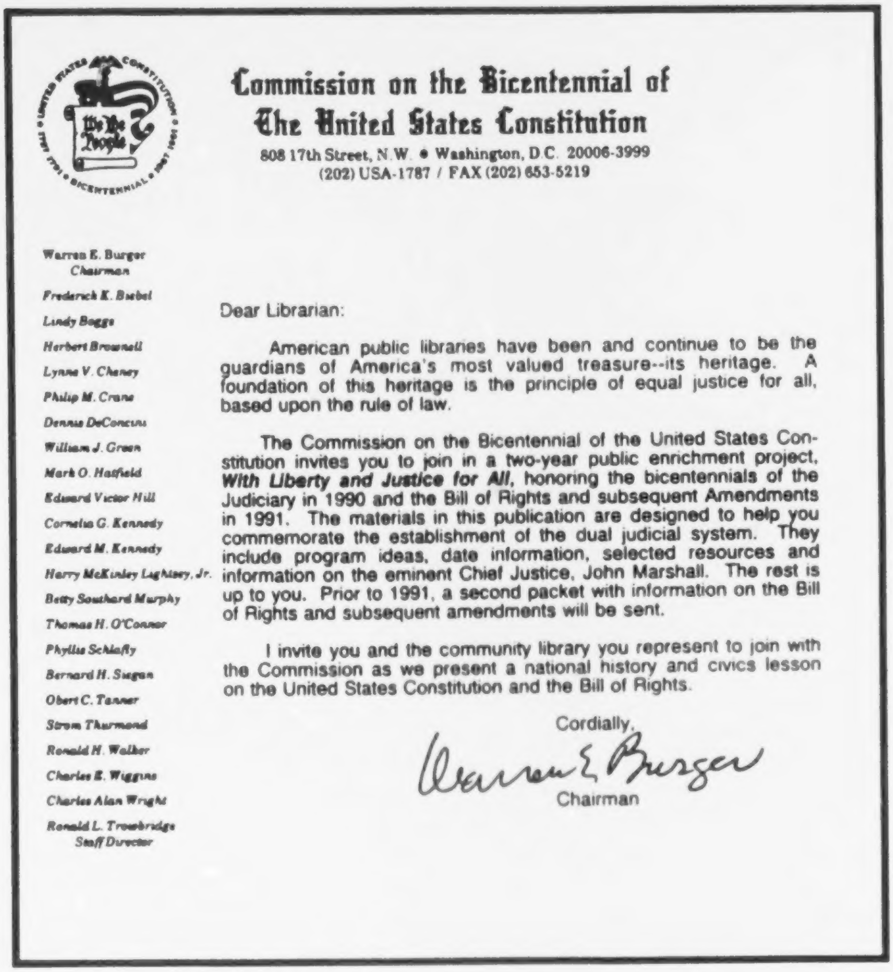
The American Library Association

PRESENTS

With Liberty and Justice for All



Commemorating the
Bicentennial of the
Judicial Branch
of Government



Commission on the Bicentennial of
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Dear Librarian:

American public libraries have been and continue to be the guardians of America's most valued treasure--its heritage. A foundation of this heritage is the principle of equal justice for all, based upon the rule of law.

The Commission on the Bicentennial of the United States Constitution invites you to join in a two-year public enrichment project, ***With Liberty and Justice for All,*** honoring the bicentennials of the Judiciary in 1990 and the Bill of Rights and subsequent Amendments in 1991. The materials in this publication are designed to help you commemorate the establishment of the dual judicial system. They include program ideas, date information, selected resources and information on the eminent Chief Justice, John Marshall. The rest is up to you. Prior to 1991, a second packet with information on the Bill of Rights and subsequent amendments will be sent.

I invite you and the community library you represent to join with the Commission as we present a national history and civics lesson on the United States Constitution and the Bill of Rights.

Cordially,

Warren E. Burger
Chairman

INTRODUCTION

With Liberty and Justice for All is a two-year community enrichment program for libraries developed by the Commission on the Bicentennial of the United States Constitution in cooperation with the American Library Association.

In 1990 the program focuses on the Bicentennial of the judiciary and the American judicial system. The Bill of Rights Bicentennial will be the focus in 1991.

With this program the Bicentennial Commission is inviting each library in the nation to become an active partner in educating the American public about the American judicial system, the Bill of Rights and other Amendments, and the United States Constitution. Under this program every local library can become a focal point of information, inspiration, and community participation.

The materials contained in this publication are offered as suggestions to libraries for creating low-cost, interest-building programs on the American judicial system.

We sincerely hope that you will join with us in this nationwide project. We want to hear from you concerning your projects and programs so that we may include your library materials in our archival records.

KEY DATES FOR 1990

Jan 16: Ceremony at the U.S. Supreme Court to commemorate the Bicentennial of the first meeting of the Supreme Court.

*Jan. 19: South Carolina ratifies the Bill of Rights.

*Jan. 25 New Hampshire ratifies the Bill of Rights.

*Jan. 28: Delaware ratifies the Bill of Rights.

*Feb. 1: The Supreme Court meets for the first time but lacks a quorum.

*Feb. 2: The Supreme Court officially meets for the first time.

Feb. 2: State Courts to celebrate the Bicentennial of the judiciary.

*Feb. 27: New York ratifies the Bill of Rights.

*March 10: Pennsylvania ratifies the Bill of Rights

April 1: The 1990 Census begins.

*April 4: The U.S. Coast Guard is created to enforce federal tariff laws; it is part of the U.S. Treasury Department.

May 1: Law Day. The 1990 theme is *Generations of Justice*.

May 10: Commemoration of the Bicentennial of Patent and Copyright laws.

*May 29: Rhode Island ratifies the Constitution.

*June 11: Rhode Island ratifies the Bill of Rights.

June 14: Flag Day.

July 4: Independence Day

*July 16: Congress agrees to locate the national capital on the banks of the Potomac.

*July 31: The first U.S. patent is issued to Samuel Hopkins of Vermont, for a "process for making pot and pearl ashes" for use in manufacturing glass.

Sept. 17: *Citizenship Day*

Sept. 17-23: Constitution Week

*Dec. 6: All three branches of the government meet in Philadelphia for the first time.

* *Indicates a Bicentennial date*

PROGRAM IDEAS FOR COMMEMORATING THE JUDICIARY BICENTENNIAL

- ***The American Judicial Bookshelf:*** A display and/or published list of the library's collection of books and materials on subjects dealing with the American judicial system. Topics could include areas relating to the English legal heritage, common law, the history of the Federal and state judiciaries, the Supreme Court, juries, landmark cases, etc. A sample bibliography, prepared by the Supreme Court Library, is enclosed.
- ***The Legal Library:*** A display and/or published listing that highlights the library's collection of legal reference books and materials. Special emphasis should be given on how these resources can be used. A public lecture and demonstration on how to use a legal library could be conducted by a local lawyer or law clerk.
- ***The Courtroom Museum:*** A display of artifacts, photos, documents, and case records that are significant to the state and local judicial process. Many items can be borrowed from your state Historical Society, the state supreme court archives, local courts, retired judges, and county courthouses.
- ***Civic Symposium:*** A library sponsored noontime (or evening) symposium or lecture series on topics relating to the American judicial system. Visiting speakers, such as state supreme court justices, noted lawyers, or law professors can be invited to speak on the selected topic.
- ***The Supreme Court in Photos:*** A tour of the Supreme Court, both now and in history, through photographs and lithographs. A list of photos and other art objects may be obtained by writing either the Supreme Court Historical Society, or the Curator of the Supreme Court of the United States, 1 First St. N.E., Washington, D.C. 20002.
- ***Children's Court:*** A program for children in grades K-6 that explains how the judicial system works through the dramatization of fictional cases. The cases, *Goldilocks* v. *the Three Bears, the Big Bad Wolf* v.*The Three Little Pigs,* and other scripts may be ordered from the Special Events Department, American Bar Association.
- ***John Marshall Film Festival:*** The film series *Equal Justice Under Law* dramatizes the major decisions of Chief Justice John Marshall. The series deals with the landmark cases *Marbury* v. *Madison, Gibbons* v. *Ogden, McCulloch* v. *Maryland*, and the Aaron Burr treason trial. This professionally produced four-part series is available for purchase in VHS format from the Bicentennial Commission.
- ***Meet John Marshall:*** A book and art display on the life and times of America's most famous Chief Justice, John Marshall. Few other people have had a more profound influence on the American judicial system than John Marshall.

BIOGRAPHICAL SKETCH OF JOHN MARSHALL

Born in a log cabin in Virginia on September 24, 1755, Marshall was tutored by his father. In 1775 Marshall joined the Virginia militia to fight in the Revolutionary War. The next year he was commissioned a lieutenant in the Continental Army. Following the ordeal at Valley Forge, Lieutenant Marshall was introduced to the practice of law when he was appointed a deputy Judge Advocate to deal with Court Martial cases. His only formal legal training came when he attended a series of summer lectures given by George Wythe.

In 1780 Marshall began his law practice, soon gaining a reputation as a common-sense advocate who secured results for his clients. In 1782 and again in 1784 he was elected to the Virginia House of Delegates. Between these elections he found time to marry Polly Ambler. In 1788 he served in the Virginia ratification convention, where he worked with James Madison in support of the Constitution.

During the 1790's Marshall gained prominence in Federalist political circles, leading to his appointment in 1796--with Charles Cotesworth Pinckney and Elbridge Gerry--to a delicate diplomatic mission to France. In Europe, French agents demanded money from the Americans to open negotiations. The three Americans refused the bribery demand and informed the President of the incident. As a result of this episode, known as the *XYZ Affair*, Marshall became a national hero.

In 1798 Marshall won a seat in the House of Representatives. After serving less than a year in Congress, Marshall was appointed Secretary of State by President Adams. In 1801 as Adams' term of office was drawing to a close, he chose Marshall to fill the vacancy of Chief Justice when Oliver Ellsworth resigned. On February 4, 1801, Marshall took his seat as Chief Justice of the United States.

In his 34 years as the nation's Chief Justice, John Marshall took part in over 1,000 Court decisions, writing 508 opinions himself. Marshall's great "building -block" opinions gave the Court authority and prestige, confirming and defining the concept of judicial review, the scope of the Commerce Clause, and the Necessary and Proper Clause.

When Marshall died on July 6, 1835. the *Richmond Inquirer* noted, "There was something irresistibly winning about him. Next to Washington, only, did he possess the reverence and homage of the hearts of the American people."

Justice Oliver Wendell Holmes wrote that *if American law were to be represented by a single figure, skeptic and worshiper alike would agree without dispute that the figure could be but one alone, and that one John Marshall.* Former Chief Justice Burger has said that *...when we speak of 'the Great Chief Justice, we mean Marshall.*

On July 8, 1835, while tolling the death of Chief Justice Marshall, the Liberty Bell in Philadelphia cracked and fell silent.

RESOURCES

The following program information and materials may be ordered from the Commission on the Bicentennial of the United States Constitution.

COMMISSION PROGRAMS

- Adult and Continuing Education. *Two discussion-based adult education programs geared to general adult, English as a second language and functionally illiterate audiences.*
- The College-Community Forums. *The series is designed to engage college faculty, community leaders, and local citizens in public discussion of constitutional issues.*
- The Speakers Bureau. *A referral service of over 500 speakers nationwide.*
- The Project Registry. *A selected listing of Bicentennial projects from across the nation.*
- National Bicentennial Competition on the Constitution and the Bill of Rights. *Curriculum enrichment program for high schools, developed by the Center for Civic Education.*
- National Historical Pictorial Map Contest. *Geography contest for schools.*
- Discretionary Grant Program. *A grant awards program for constitutional program development for elementary and secondary schools.*
- DAR high school essay contest.

MATERIALS

- Skills Handbooks on Congress and the Judiciary.
- *Equal Justice Under Law* film series
- Pocket-sized edition of the Constitution
- Christy poster, Signing of the Constitution
- Educational Kit on the Presidency
- *The Judicial Branch and the Constitutional Order*
- 1990 Commission Calendar (on the judiciary) Price-$3.00
- Bicentennial Resource Guide
- Public Service Ads
- Selected bibliography on John Marshall
- Selected bibliography on the American Judicial System
- Constitution Week poster, flyer and resource guide
- Assorted brochures on the Bicentennial
- Commission newsletter "*We the People*"

We would like to hear from you!

In order to compile an accurate historical record of the Constitution Bicentennial, we want to know what your library has done, especially concerning the project *With Liberty and Justice for All.* Please take time to write to the Commission, and share with us your activities.

THE COMMISSION ON THE BICENTENNIAL
OF THE UNITED STATES CONSTITUTION
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Washington, D.C. 20006
202/653-9800

ADDITIONAL SOURCES

American Bar Association, Special Events Department, 750 N. Lake Shore Drive, Chicago, IL 60611. *Ask for catalogue of educational and Bicentennial resources.*

The Center for Research and Development in Law-Related Education (CRADLE), School of Law, Wake Forest University, Box 7206, Winston Salem, N.C. 27109. *Ask for list of teacher-generated materials on the Constitution.*

Close Up Foundation, Civic Achievement Award Program, 1235 Jefferson Davis Highway, Arlington, VA 22202. *Ask for information concerning youth recognition projects.*

Department of Defense, Office of the Bicentennial of the United States Constitution, HQ DA, ATTEN: SABC, The Pentagon 3E 522 Washington, D.C. 20310-0107. *Ask for current Resource Guide for the Bicentennial of the Constitution.*

Federal Judicial Center, Director of Special Educational Services, Dolley Madison House, 1520 H St. N.W., Washington, D.C. 20005. *Request Judiciary Bicentennial materials.*

Foundation for A Creative America, 1255 23rd St., N.W. Suite 850, Washington, D.C., 20037. *Ask for Educational Kit on Patents and Copyrights.*

National Archives, Public Programs Division, 7th and Pennsylvania Ave. N.W., Washington, D.C. 20016. *Ask for current listing of Bicentennial related projects and materials.*

National Council for the Social Studies, 3501 Newark St. N.W., Washington, D.C. 20016. *Ask for materials list on the American Judiciary and the Bicentennial.*

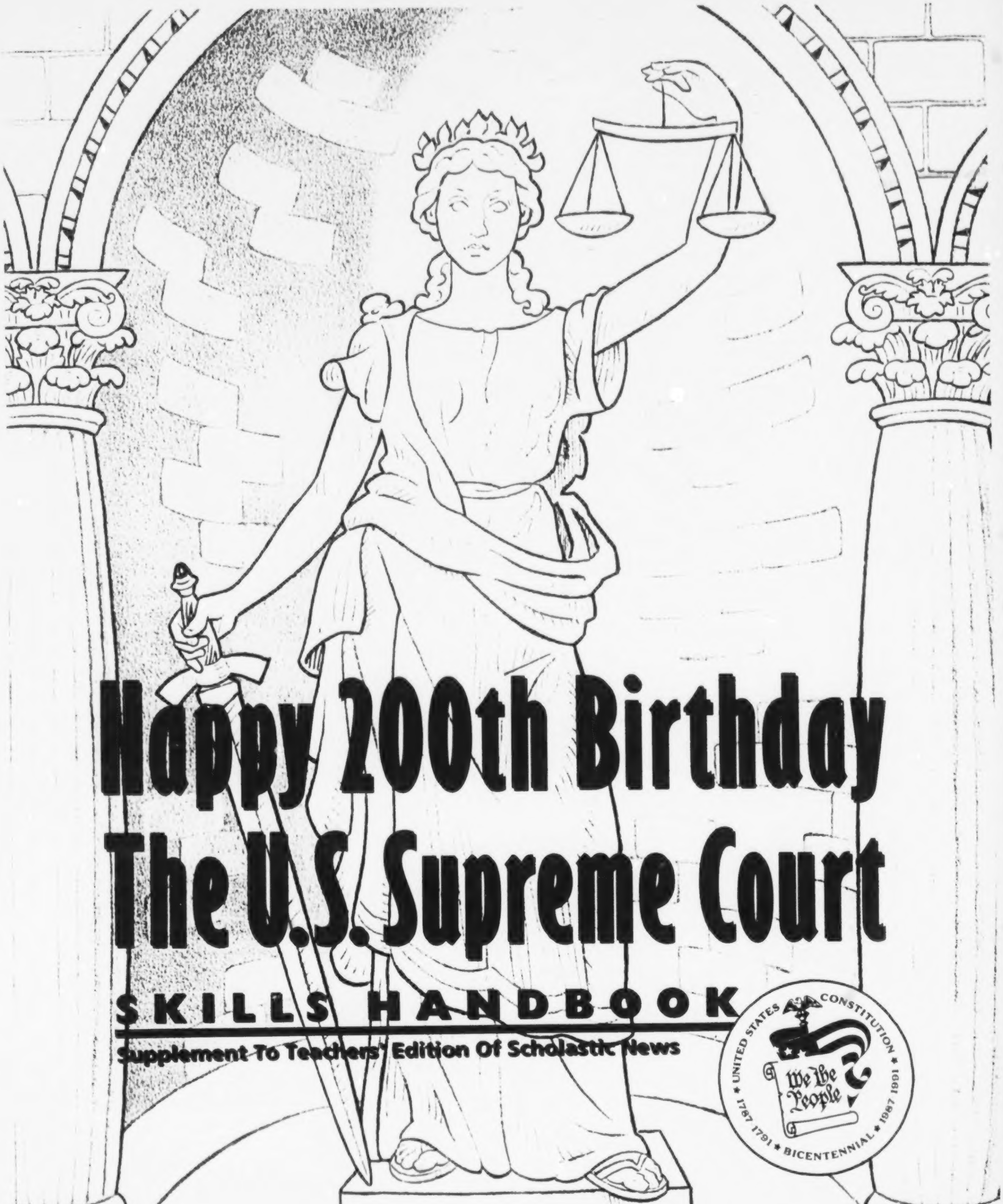
National Flag Day Foundation, Inc. 418 South Broadway, Baltimore, MD 21231. *Ask for the Flag Day Kit and Educational Resource Packet.*

National History Day, 11201 Euclid Ave., Cleveland, OH 44106. *Request information on the Bicentennial project.*

Federation of State Humanities Councils, Committee on the Bicentennial, 1012 Fourteenth St. N.W., Suite 1207 Washington, D.C. 20005. *Ask for "Celebrate the Constitution, a Guide for Public Programs in the Humanities." Cost-$6.00.*

Historical Documents Company, 8 North Preston St., Philadelphia, PA 19104. *Request product catalog and samples kit on American Historical Documents.*

The Supreme Court Historical Society, 111 Second St. N.E., Washington D.C. 20002. *Request gift list and catalogue.*



Happy 200th Birthday The U.S. Supreme Court

SKILLS HANDBOOK

Supplement To Teachers' Edition Of Scholastic News

United States Constitution
We the People
1787 1791 ★ Bicentennial ★ 1987 1991

Art: Justin Novak

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INTRODUCTION FOR TEACHERS

To celebrate the 200th birthday of the U.S. Supreme Court and the rest of the federal court system, the Commission on the Bicentennial of the United States Constitution and Scholastic Inc. are delighted to present this Skills Handbook for your classroom use. Reproduce the "birthday card" on the back cover. Encourage students to add their personal touches to copies of the card. Send the individual cards to the U.S. Supreme Court or to your state courts.

Point out that the Judicial Branch was created in 1787 by Article III of the Constitution. It states: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

Congress passed a Judiciary Act in September 1789, establishing a federal court system of 13 district courts, 3 circuit courts, and 1 Supreme Court of six Justices. The Act was signed into law by President Washington on September 24. Washington also nominated a Chief Justice and five Associate Justices of the Supreme Court. His choices were promptly approved by the Senate.

The Supreme Court met for the first time on Monday, Feb. 1, 1790. However, only three of the six Justices showed up on that day. A fourth Justice arrived on the following day, Feb. 2, 1790, providing a quorum. Then the business of the Court began. It is still going on.

Of course, court systems in the U.S. had been operating long before that date. Each of the 13 states had its own court system with strong traditions of justice for all.

COVER: Courts exist to serve justice. So, we picked a symbol of justice for our cover. This is based on Astraea, the ancient-Greek goddess of justice. She is shown with scales and a sword. The scales stand for the fair weighing of opposing claims. The sword stands for the power to punish wrongdoers.

This Skills Handbook on the U. S. Judiciary is one of several Projects on the Constitution sponsored by the Commission on the Bicentennial of the United States Constitution. The Chairman of the Commission is **Warren E. Burger**. Members are **Frederick K. Biebel, Lindy Boggs, Herbert Brownell, Lynne V. Cheney, Philip M. Crane, Dennis De Concini, William J. Green, Mark Hatfield, Edward Victor Hill, Cornelia G. Kennedy, Edward M. Kennedy, Harry McKinley Lightsey, Jr., Betty Southard Murphy, Thomas H. O'Connor, Phyllis Schlafly, Bernard H. Siegan, Obert C. Tanner, Strom Thurmond, Ronald H. Walker, Charles E. Wiggins, Charles Alan Wright.**

The Handbook was produced by Scholastic Inc.. **Michael Cusack,** Editor • **Patricia Conniffe,** Writer/Curriculum Adviser • **Patricia Isaza,** Designer/Art Editor. **Herbert M. Atherton, Sheila McCauley,** and **Jack Barlow** of the Commission's staff contributed to and reviewed all stages of development of the Handbook. They wish to thank **John Agresto, Stephen B. Burbank, Michael H. Cardozo, Christine Jordan,** and **Henry Parr** for their contributions and advice.

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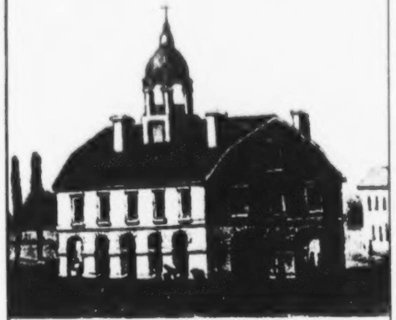
Cover Art: Justin Novak

Activity

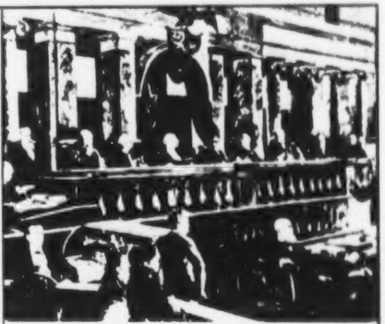
THE SUPREME COURT OF THE UNITED STATES, 1790-1990

Trace the path of the Supreme Court from its first meeting place to a home of its own. Number the places in the order that the Court first moved to each of them.



Second Floor, Royal Exchange, New York City: February 1790 to February 1791

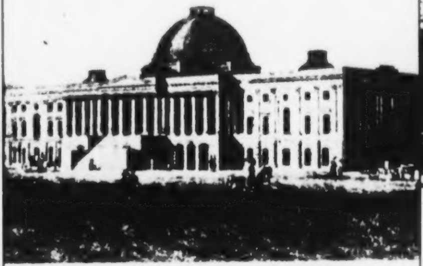
THE U.S. SUPREME COURT, Washington, D.C.: 1935 to Present



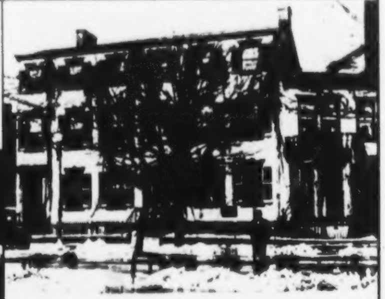
Old Senate Chamber, U.S. Capitol, Washington, D.C.: 1860 to 1935

Old State House (Independence Hall), Philadelphia: February 1791 & One day in 1796

Old City Hall, Philadelphia: August 1791 to August 15, 1800



Various Rooms, U.S.Capitol, Washington D.C.:February 1801 to August 1814 and 1817 to 1860



204 B Street, S.E., Washington: Temporary home following burning of Capitol by British, August 1814

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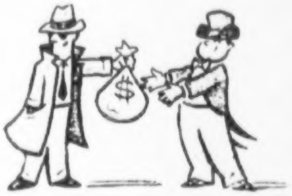
Reading Skills

Laws, Police, and Courts

What's wrong with each of these "pictures"?

It's 8:00 a.m. in the city of Zap. Buses are carrying kids to school. People are driving cars to work. But Zap doesn't have any traffic lights. So each driver has to decide when it's safe to make a turn or cross an intersection.

It's 9:00 p.m. in the city of Zipville. A plane lands at the city's airport. Suddenly, a masked man grabs a visitor's suitcase. "Call the police," screams the visitor. "Oh, we don't have police in Zipville," says a woman in the crowd.



Three women in Zeptown overhear a man giving a bribe to the mayor. They tell the mayor they will bring him to court. The mayor says, "What court? Zeptown doesn't have any."

Art: Justin Novak

A. It's scary to imagine places like Zap, Zipville, and Zeptown. Without laws, how would we protect our lives and property? Without police, who would arrest a person accused of a crime? Without courts, who would try cases and sentence criminals?

B. In a free society, *laws* are like rules that everybody promises to obey: "We won't drive faster than 25 m.p.h. in the school zone. We'll all pay our share of taxes. We won't steal, rob, or kill."

C. In a free society, *police* arrest people accused of breaking laws. But they know that these people have rights. They have the right to know who accuses them. They have the right to a trial.

D. In a free society, the *courts* have an important job. They try people accused of crimes. They settle disputes. And they decide each case according to rules that the law lays down.

E. The U.S. government, all 50 states, and most big cities have their own laws and courts. State courts usually decide cases about matters in their states. Federal courts usually decide matters involving the federal government or involving more than one state. Sometimes state courts must follow federal law and sometimes federal courts must follow state laws, but all must apply the Constitution.

F. For 200 years, the Constitution has been the basic law of the United States. It has protected life and property. It has kept us strong as a nation. And it has helped Americans reach important goals. One of these goals is carved in stone above the doors to the Supreme Court. The goal is "Equal Justice Under the Law."

Directions: Read the page carefully. On each line, write the letter of the paragraph that tells you the most about that topic.

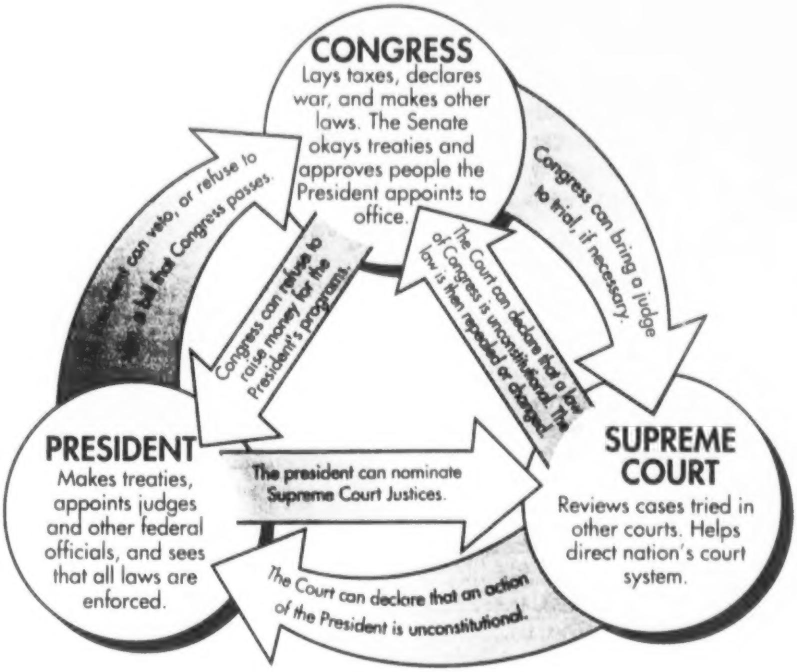
____1. basic law of the U.S.
___ 2. police in a free society
___ 3. laws in a free society
___ 4. what state courts do
___ 5. a court's basic job
___ 6. life without laws

Reading a Diagram

The Three Branches of Government

The people who wrote the Constitution wanted the United States to be powerful. But they didn't want to put all this power in the hands of one person or group. So they created three branches of government. Each branch has its own duties. Each can check the power of the other two.

The diagram has examples of how this plan works. Each circle shows the duties of one branch. Each arrow shows how one branch can check another's power.


CONGRESS
Lays taxes, declares war, and makes other laws. The Senate okays treaties and approves people the President appoints to office.
can veto, or refuse to
a bill that Congress passes.
Congress can refuse to raise money for the President's programs.
Congress can bring a judge to trial, if necessary.
The Court can declare that a law of Congress is unconstitutional. The law is then repealed or changed.
PRESIDENT
Makes treaties, appoints judges and other federal officials, and sees that all laws are enforced.
The president can nominate Supreme Court Justices.
SUPREME COURT
Reviews cases tried in other courts. Helps direct nation's court system.
The Court can declare that an action of the President is unconstitutional.

Directions: Study the diagram. Then complete each statement. Write the letter of the best choice on the line at left.

____ 1. The number of branches in the U.S. government is (a) 1;(b) 2; (c) 3.

____ 2. The power to make laws belongs to (a) Congress; (b) the President; (c) the Supreme Court.

____ 3. Federal judges are appointed by (a) Congress; (b) the President; (c) the Supreme Court.

____ 4. The President's veto is a check against the power of (a) Congress; (b) the Court; (c) appointed officials.

____ 5. When the Court says that a law is unconstitutional, the law must be (a) obeyed; (b) thrown out; (c) delayed.

BONUS! Work with a team to make a three-armed mobile. Attach an object to each arm. Show how the weights of all three objects have to be the same for the mobile to work. Explain how the mobile is like our three branches of government.

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Making Inferences

What the Supreme Court Does

Q. What is the Supreme Court?
A. The Court heads one of three branches of the U.S. government. It includes nine Justices (judges). The Justices work as a team.

Q. What kind of work does the Court do? Does it try cases?
A. Article III of the Constitution lists the Court's jobs. It can try certain cases, but they don't come along very often. For example, if one state sues another, the Court would hear the case. Mostly, the Court *reviews* cases that were *tried* in other courts. It decides if these cases were handled properly.

Q. Does the Court pick the cases it wants to review?
A. Almost always. First, someone has to ask the Court to review a case. This is called a petition for a writ of certiorari. If four Justices are in favor of hearing the case, the Court will hear it.

Q. Why do we have a Supreme Court?
A. The writers of the Constitution created the Supreme Court. They wanted it to be like a "watchdog." It would keep Congress, the President, and the states from grabbing too much power. And it would make sure that people's rights are protected.

Q. How is the Court a watchdog?
A. When the Court decides a big case, it writes an "opinion." It explains what is allowed, or not allowed, under the Constitution. Other federal courts follow this opinion in the cases they hear. The Court might even decide that Congress or a state passed an unconstitutional law. The law is then repealed or changed.

Q. What are some examples of the Court's work as a watchdog?
A. Over the past 200 years, the Court has protected our right of free speech. It has forced states to respect private contracts. And it has told Presidents they must obey the law. Many, many other American rights are protected by the Court.

Q. How does a person become a Justice of the Supreme Court?
A. The U.S. President selects the man or woman he thinks can do the best job. The U.S. Senate votes on this choice. If the Senate approves, the new Justice joins the Court for life, or until he or she decides to retire.

Q. Where do the Justices do their work?
A. They work in the Supreme Court Building in Washington, D.C.

Directions: Read the questions and answers carefully. Then list 5-10 talents and interests a person might need to be a good Justice. Write your list in the space below.

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Three Decisions by the Supreme Court

The Supreme Court *tries* special cases that no other court has the right to decide. It also *reviews* cases that were tried in lower courts. Over time, the way that cases have come to the Court has changed. At one time, the Court had to review certain cases on appeal. Now, the Court can choose which cases to review (cases on certiorari). Here are three examples of cases that have reached the Court.

A. *Martin versus Hunter's Lessee* (Reviewed on Appeal, 1816)

Before the Revolutionary War, people in Britain owned land in Virginia. During the war, the government of Virginia seized this land and gave it to Americans. After the war, Denny Martin, one of the British owners, sued Virginia. Virginia's court refused to return the land. Martin appealed his case to the Supreme Court.

Virginia said that the Supreme Court had no right to get involved. But the Court said: The Constitution gives us the right to review cases between a state and a citizen of another country! The Court decided that Martin was the true owner of the land.

B. *Miranda versus Arizona* (Reviewed on Certiorari, 1966)

One night, the police in Phoenix, Arizona, arrested Ernesto Miranda. They accused him of rape and asked him questions about the crime. Miranda finally confessed and went to trial.

After hearing Miranda's confession, a jury found him guilty. But his lawyer asked the Supreme Court to review the case. He said the police should not have gotten the confession the way they did. He said Miranda had a right to see a lawyer first.

The Supreme Court agreed. It said that the 5th Amendment to the Constitution protects people who are accused of a crime. They have the right to remain silent and to have a lawyer when the police question them. The Court ordered a new trial for Miranda.

C. *Oregon versus Mitchell* (Heard by the Supreme Court, 1970)

In 1970, Congress passed a law. It lowered the voting age from 21 to 18 in state and federal elections.

Oregon sued the U.S. government. It said that Congress doesn't have the right to make laws for state elections. (Article I of the Constitution gives states this right. But it also says that Congress has the power to change state election laws.)

Only the Supreme Court had the power to hear this case. The Court decided that Congress could set the voting age for federal elections, but not for state elections.

Directions: Read each case. Then write the letter of the correct case (**A, B,** or **C**) on the line next to each description.

___ 1. This case involved the rights of people accused of crime.

___ 2. This case began as a suit against a state.

___ 3. This case involved the right to make election laws.

BONUS! Why do you think the *Oregon* case had to be tried by the Supreme Court? Write your answer below.

____

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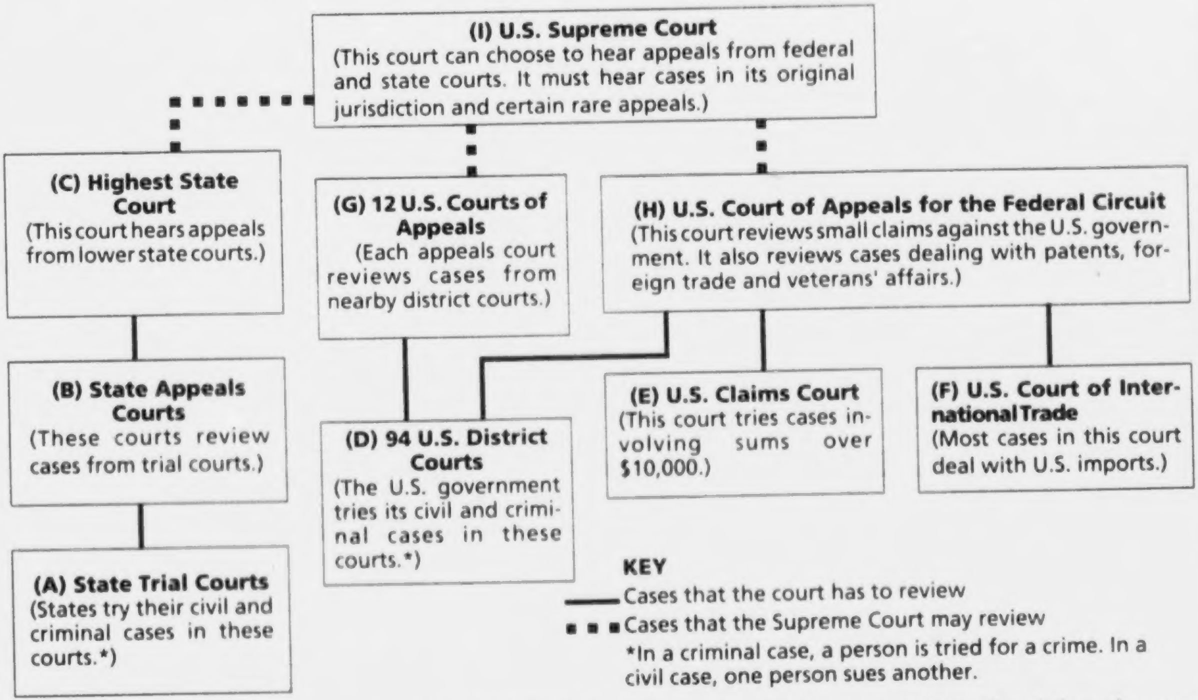
Reading a Flowchart

How Does a Case Reach the Supreme Court?


(I) U.S. Supreme Court
(This court can choose to hear appeals from federal and state courts. It must hear cases in its original jurisdiction and certain rare appeals.)
(C) Highest State Court
(This court hears appeals from lower state courts.)
(G) 12 U.S. Courts of Appeals
(Each appeals court reviews cases from nearby district courts.)
(H) U.S. Court of Appeals for the Federal Circuit
(This court reviews small claims against the U.S. government. It also reviews cases dealing with patents, foreign trade and veterans' affairs.)
(B) State Appeals Courts
(These courts review cases from trial courts.)
(D) 94 U.S. District Courts
(The U.S. government tries its civil and criminal cases in these courts.*)
(E) U.S. Claims Court
(This court tries cases involving sums over $10,000.)
(F) U.S. Court of International Trade
(Most cases in this court deal with U.S. imports.)
(A) State Trial Courts
(States try their civil and criminal cases in these courts.*)
KEY
Cases that the court has to review
Cases that the Supreme Court may review

*In a criminal case, a person is tried for a crime. In a civil case, one person sues another.

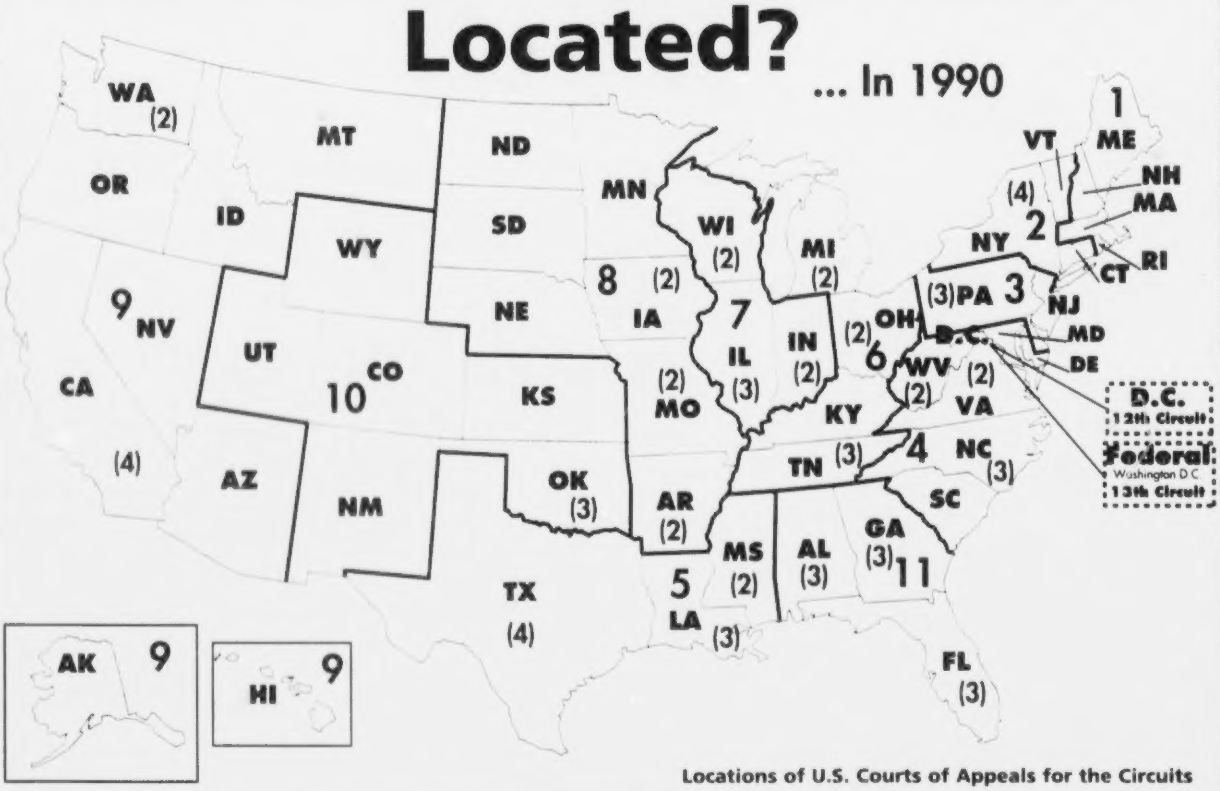
Picture This: Lee "X" was convicted of murder but says her trial was not fair. She claims she was forced to sign a confession before the trial. Lee asks a higher court to review her case. (This is called making an appeal.) If this court decides that Lee's trial was unfair, it can wipe out her conviction.

Every year, thousands of Americans appeal their cases. Some appeals begin in state courts. Some begin in federal courts. The highest court of appeals is the U.S. Supreme Court. The flowchart shows the different paths by which cases reach the Supreme Court.

Directions: Study the flowchart and key. Complete each statement below. Circle the letter that makes the statement correct.

1.	The highest court in the United States is	C	D	I
2.	There are 12 courts at level	C	G	D
3.	States try criminal cases at level	C	B	A
4.	The U.S. government tries civil cases at level	D	H	I
5.	Courts at B are higher than courts at level	C	I	A
6.	Courts at G are equal to courts at level	D	H	I
7.	An appeal from B would go to the court at level	C	D	E
8.	An appeal arrives at G. It came from level	F	E	D
9.	Appeals from D do *not* go to courts at level	F	G	H
10.	A case was appealed to courts at B and C. Next, the case could be appealed to the court at level	I	F	A

Where Are Federal Courts Located? ... In 1990



KEY

State boundary line

(2,3,4) The number of U.S. district courts in a state. If this number is missing, the state has 1 district court.

1,etc. The "name" of a U.S. circuit (First Circuit, Second Circuit, etc.) Each circuit includes several states.

Line that shows the group of states within each circuit

Locations of U.S. Courts of Appeals for the Circuits

	Circuit		Circuit
Boston, MA	1	Chicago, IL	7
New York, NY	2	St. Louis, MO	8
Philadelphia PA	3	San Francisco, CA	9
Richmond, VA	4	Denver, CO	10
New Orleans, LA	5	Atlanta, GA	11
Cincinnati, OH	6	Washington, D.C.	12

The Supreme Court, the most powerful court in America, is in Washington, D.C. As this map shows, other federal courts are spread across the country. *U.S. district courts* are trial courts. *U.S. courts of appeals* review the way district courts handle their cases.

Directions: Study the map, key, and introduction. Then decide if each sentence is true or false. Circle **T** for true, **F** for false.

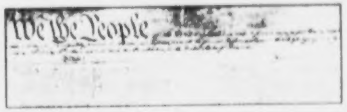
T F 1. The Supreme Court is the most powerful U.S. court.
T F 2. U.S. district courts are trial courts.
T F 3. There are two U.S. district courts in each state.
T F 4. California has four U.S. district courts.
T F 5. District courts review cases from appeals courts.
T F 6. The United States has 50 U.S. courts of appeals.
T F 7. The 7th Circuit has more states than any other circuit.
T F 8. Florida is in the 2nd Circuit.
T F 9. Chicago, Illinois, has a U.S. court of appeals.
T F 10. The U.S. Court of Appeals for the 10th Circuit is in Denver, Colorado.

Bonus! In 1790, the United States had only 3 circuits: **Eastern** (NH, MA, CT, NY, and RI); **Middle** (NJ, PA, DE, MD, and VA); and **Southern** (NC, SC, and GA). Use a different crayon to color each of these groups of states on the map. Make and label a color key.

Make a Timeline

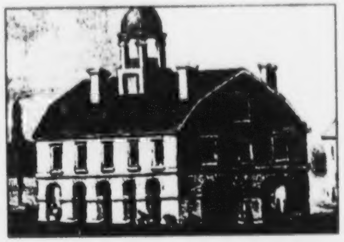
Birth and Growth of the U.S. Supreme Court

Date the Event: Here are some big events in the history of the Supreme Court. Link each event with a line to the year in which it took place. The events are numbered in order.

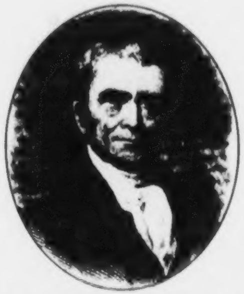

We the People

1. Writers of U.S. Constitution say judicial power will be placed in a Supreme Court, and in such inferior courts as Congress may set up.

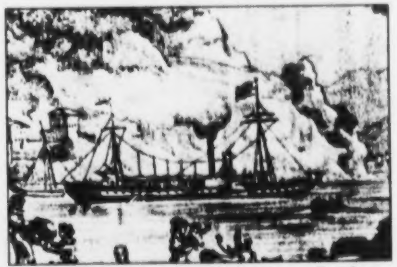
2. Judiciary Act sets up U.S. court system of 13 district courts, 3 circuit courts, in addition to 1 Supreme Court.



3. First session of the Supreme Court takes place in New York City.



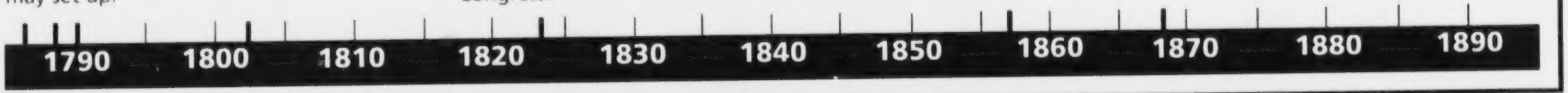
4. *Marbury v. Madison* decision asserts the Court's power to review Acts of Congress.



5. Court decides in *Gibbons v. Ogden* that Congress may regulate commerce between states.

6. Slavery of Dred Scott is upheld in *Dred Scott v. Sandford.*

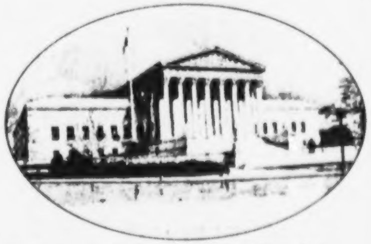
7. The 14th Amendment overrules the *Dred Scott v. Sandford* decision.



Make a Timeline

Birth and Growth of the U.S. Supreme Court

8. Louisiana law forcing blacks and whites to ride in separate railroad cars is upheld in *Plessy v. Ferguson*.



9. Supreme Court meets for the first time in its own building.

10. The Court rules that President Truman did not have the right to seize steel mills to prevent a strike.

11. *Brown v. Board of Education of Topeka* decision bans segregated schools and overrules *Plessy v. Ferguson*.

12. The Court rules in *Engel v. Vitale* that public school officials may not require students to recite prayers.

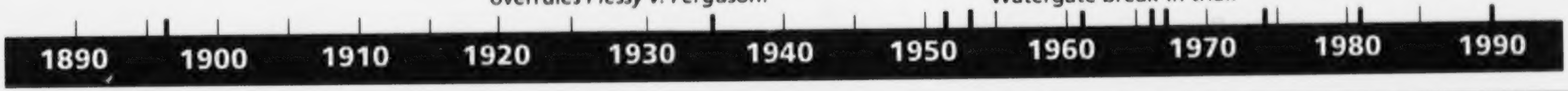
13. *Miranda v. Arizona* decision states that suspects must be told they have a right to remain silent and a right to a lawyer.

14. Thurgood Marshall becomes first African-American Supreme Court Justice.

15. The Court orders President Nixon to turn over tapes needed as evidence in the Watergate break-in trial.

16. Sandra Day O'Connor becomes the first woman Justice on the Supreme Court.

17. The Supreme Court marks its 200th birthday.



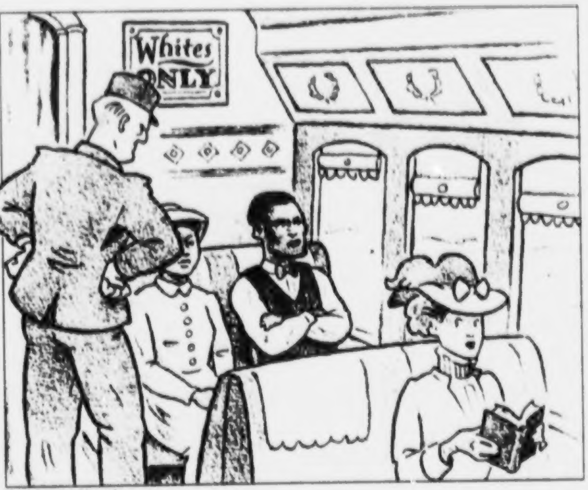
From *Plessy* to *Brown*

(A Two-Act Play)

Characters
Diana, a retired newspaper reporter
Sonia, a newspaper reporter
Chang, a TV news reporter
Whitney, a lawyer
Ted, a lawyer
Zelda, owner of Zelda's Diner
Sam, a waiter in Zelda's Diner
Narrator

ACT I: A Long Time Waiting

Narrator: *It's May 10, 1954, in Washington, D.C. Sonia and Chang, two reporters, enter Zelda's Diner. Sonia notices an old friend.*



Art: Justin Novak

Sonia: Diana? It's great to see you! I thought you went back to Louisiana after retiring from your job as a reporter. This is my friend, Chang. He reports the news on TV.

Diana: Hello, Chang. I'm glad to see you, too, Sonia. I thought I'd find you in Zelda's!

Chang: Hi, Diana! I bet I know why you're in Washington. You're waiting for the Supreme Court's decision in the *Brown* case, aren't you?

Diana: That's right. I've waited almost 60 years for a case like this to come along. Oh, look, here's Zelda!

Zelda: Welcome back to the diner, folks. Shall I tell Sam to bring you our hotplate special?

Diana, Chang, Sonia: Sure. . . .

Zelda: I heard you mention the *Brown* case. What's it about?

Diana: Linda Brown, a black child, wanted to go to her neighborhood school in Topeka, Kansas. But the schoolboard said the school is for whites, only. Her father sued the board. And now the Supreme Court is reviewing the case.

Zelda: Poor kid. But she's not the only one to be turned away by a "whites-only" policy.

Chang: I know. It's called segregation, and the courts allow it. They say that if an all-black school offers a good education, there's no reason to put black students with white kids.

Diana: What the courts really say is "Separate but equal schools are okay. Separate but equal restrooms and drinking fountains are okay." It's terrible.

Sonia: I agree. But I still don't understand why you made the long trip from Louisiana to Washington, Diana. You could have waited to read about the Court's decision.

Diana: I had to come. I remember when that "separate-but-equal" idea was first approved by the Court. It was in a case called *Plessy versus Ferguson*, in 1896. I was a 10-year-old, and I knew Plessy. He was a neighbor.

Chang: No kidding! What was he like?

Diana: Homer Plessy was stubborn. My father didn't even like him. But he thought Plessy did the right thing. He refused to give up his seat in a railroad coach reserved for whites.

Sam (bringing the food)**:** What happened?

Diana: They arrested Plessy and convicted him of breaking a segregation law in Louisiana. Plessy appealed his case all the way to the Supreme Court. But the Court said Louisiana's law was O.K.

Sonia: That's right. The Court said that the railroad could keep separate coaches for blacks and for whites if the coaches were "equal."

Sam: So what do you think the Court will do now, in the *Brown* case?

Sonia: I don't know. We'll have to wait and see. But I think we have a chance.

From *Plessy* to *Brown*

(continued)

ACT II: Hope for the Future

Narrator: *It's a week later. Sonia, Chang, and Diana are back at Zelda's Diner. They are joined by Whitney and Ted, two friends who are lawyers. Zelda and Sam listen as the reporters and lawyers read from their notebooks.*

Diana: I still can't believe it! Today, May 17, 1954, the Supreme Court decided the case of *Brown versus Board of Education*! And Brown won!

Ted: The Court said that the 14th Amendment promises "equal protection" to everyone. And that includes Linda Brown!

Zelda: Great! Now that little girl can go to the school she wanted to attend!

Whitney: It means more than that. This decision will affect every segregated public school.

Sam: Why is that? Mr. Brown sued the board of education in Topeka—not any other board.

Whitney: That's true. But when the Court handed down its decision, it said that segregated schools are harmful everywhere.

Diana: I took notes at today's announcement. Chief Justice Earl Warren asked a question: "Does segregation of children in public schools... deprive the children of the minority group of [their] equal educational opportunities?" Then he answered: "It does."

Ted: Warren said that forced segregation hurts kids. He said it can "affect their hearts and minds" in a way that might never be undone.

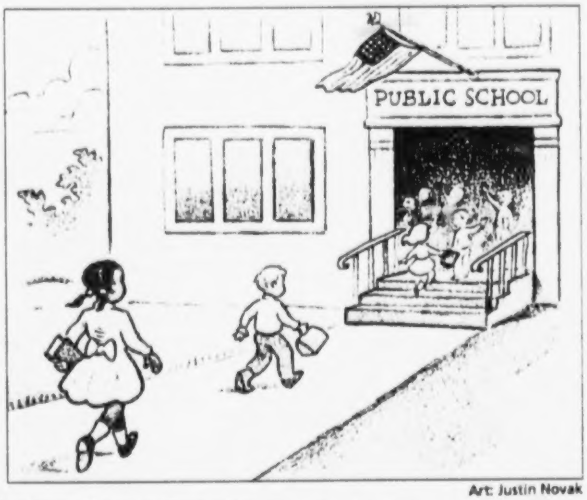
Sonia: That idea came from Thurgood Marshall, the lawyer who presented Brown's case.

Whitney: You're right, Sonia. Marshall did a whole lot of research. He found cases where studies showed how segregation hurts kids. And he presented his research to the Court.

Chang: I just thought of something else. Last week, Diana told us about the *Plessy* case in 1896. At that time, the Court said segregation was O.K. . . .

Sonia: . . .Yes. It said that "separate but equal" railroad coaches were legal.

Chang: Well, what happens now? Doesn't the decision in the *Brown* case contradict the *Plessy* decision?



Art: Justin Novak

Ted: Sure it does. That's the point.

Chang: Well, what I want to know is which decision will all our other courts follow?

Whitney: The *Brown* decision! Warren said that the idea of "separate but equal" treatment has "no place" in schools.

Sam: Are you sure that other courts will accept the Supreme Court's decision?

Ted: Yes. Supreme Court decisions become rules for the rest of the nation's courts.

Sonia: What about states that have laws to enforce public school segregation?

Whitney: After the Court's decision today, those laws are unconstitutional.

Chang: The *Brown* decision really affects schools all across America. I'd better get back to the station and write tonight's broadcast.

Sonia: I'm trying to think of a headline for my story in tomorrow's newspaper.

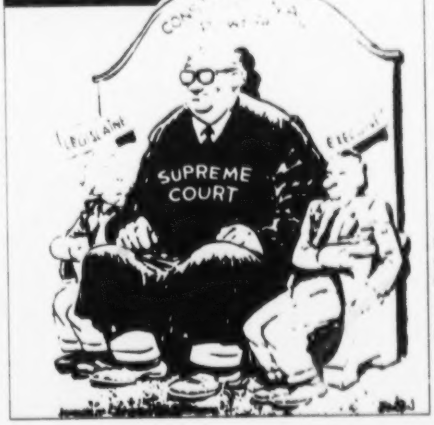
Diana: How about "Together and Equal—At Last"?

Question: Why do you think Diana believed in 1954 that the Court might support Brown in spite of the *Plessy* decision of 1896?

UNDERSTANDING POLITICAL CARTOONS

Political cartoons use words and pictures to express opinions. The opinions are not always fair. These historical cartoons present two different views of the Supreme Court in our three-branch system of government.

Cartoon A

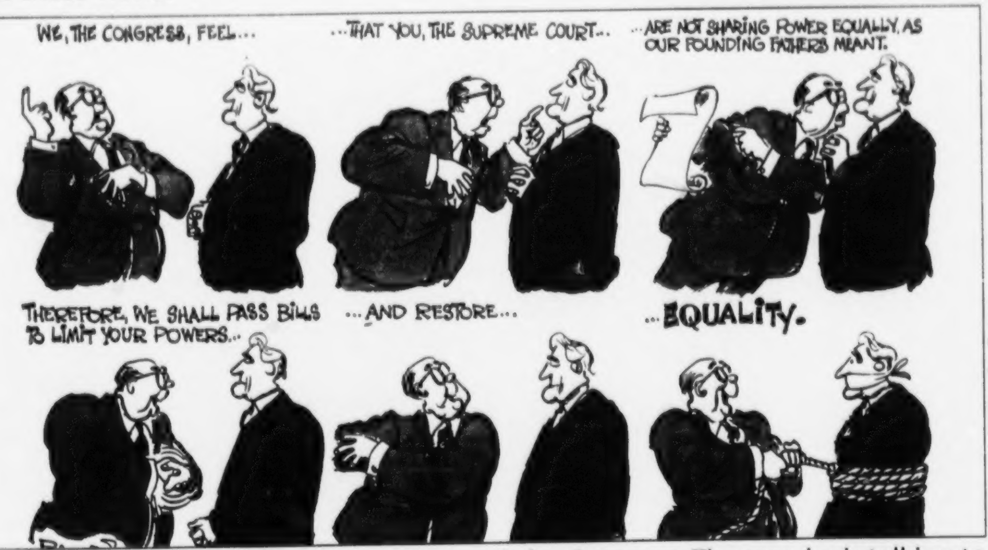


Jensen — Chicago Daily News

Cartoon A appeared in the *Chicago Daily News* in 1968. It shows three people on a chair labeled "Constitutional Power." The people stand for the three branches of the U.S. government. The person on the left represents the Legislative Branch (Congress). The person on the right stands for the Executive Branch (the President). The person in the middle represents the Judicial Branch (the Supreme Court and other federal courts).

1. In the cartoonist's view, do the three branches share power equally?
2. Which branch is crowding the other two?
3. In the late 1960s, many people said the Supreme Court had gone too far in forcing blacks and whites to go to the same public schools. They also said that Court rulings were aiding criminals and driving God from the schools. Do you think the cartoonist shared those views?

Cartoon B


WE, THE CONGRESS, FEEL...
...THAT YOU, THE SUPREME COURT...
...ARE NOT SHARING POWER EQUALLY, AS OUR FOUNDING FATHERS MEANT.
THEREFORE, WE SHALL PASS BILLS TO LIMIT YOUR POWERS...
...AND RESTORE...
...EQUALITY.

©1981 United Features Syndicate

Cartoon B appeared in 1981. The man on the left stands for Congress. The man he is talking to represents the Supreme Court.

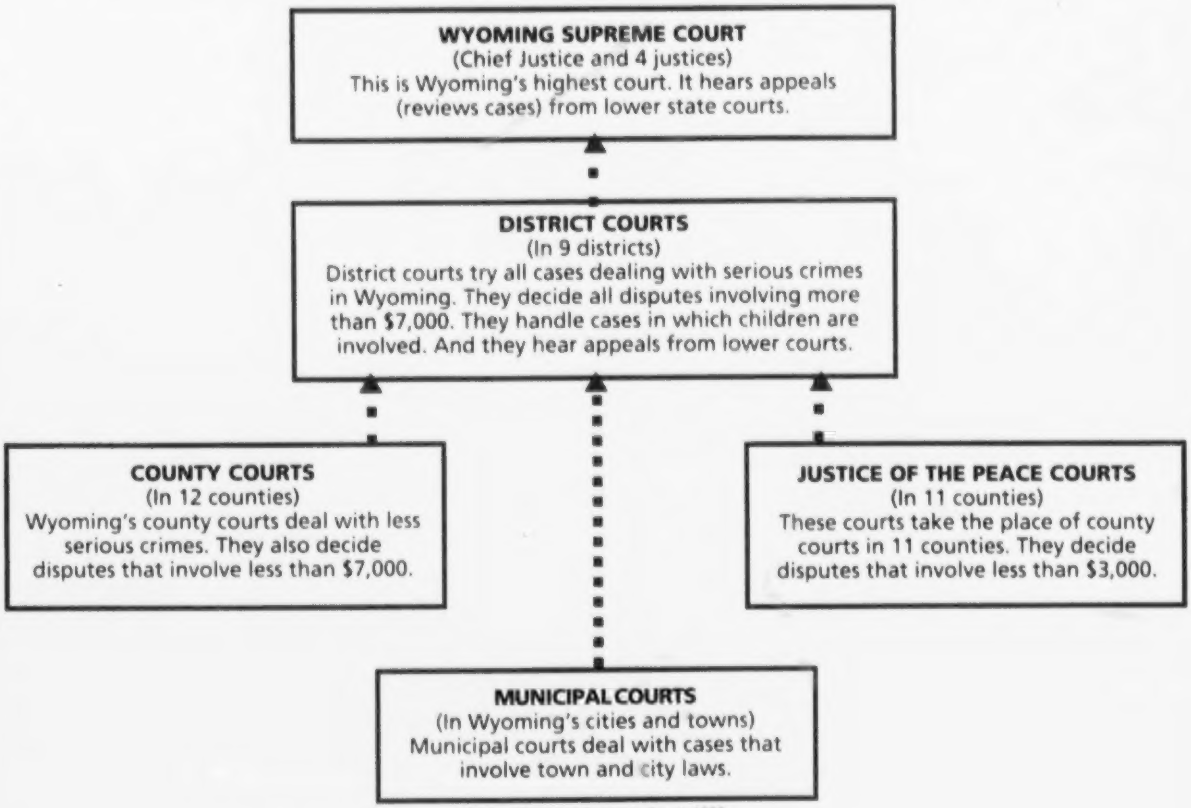
4. Does the man who drew Cartoon B share the political views of the man who drew Cartoon A?
5. Does the cartoon say that the Supreme Court has more power than Congress?
6. Is it saying that the Supreme Court has less power?
7. Does the person standing for Congress want equality or a chance to curb the Supreme Court?
8. Are these cartoons stating facts or giving opinions?
9. Are they most likely to be found on news pages or editorial pages of newspapers?
10. Are the three branches of government always viewed as being equal?

Wyoming's Court System

The state of Wyoming was born during the days of the "wild West." In 1890, gunfights often broke out. Cattlemen and farmers fought over land. Citizens hanged people they suspected of crimes. Wyoming's courts had to work hard to enforce law and order.

Today, these courts defend the rights of every citizen of the state. Wyoming's chief justice recently wrote: "By protecting the rights of one person, we protect the rights of all."

The flowchart below shows how Wyoming's courts are organized.



WYOMING SUPREME COURT
(Chief Justice and 4 justices)
This is Wyoming's highest court. It hears appeals (reviews cases) from lower state courts.

DISTRICT COURTS
(In 9 districts)
District courts try all cases dealing with serious crimes in Wyoming. They decide all disputes involving more than $7,000. They handle cases in which children are involved. And they hear appeals from lower courts.

COUNTY COURTS
(In 12 counties)
Wyoming's county courts deal with less serious crimes. They also decide disputes that involve less than $7,000.

JUSTICE OF THE PEACE COURTS
(In 11 counties)
These courts take the place of county courts in 11 counties. They decide disputes that involve less than $3,000.

MUNICIPAL COURTS
(In Wyoming's cities and towns)
Municipal courts deal with cases that involve town and city laws.

Source: Wyoming Supreme Court, 1989.

Directions: Read the flowchart, then answer the questions about Wyoming's courts. Circle **SC** for Wyoming's supreme court. Circle **D** for a state district court. Circle **C** for a county court. Circle **O** for any other court.

SC D C O 1. What is the highest state court in Wyoming?

SC D C O 2. A 10-year-old breaks a law. What court will decide how to deal with her?

SC D C O 3. Jim sues Jane for $5,000. What court handles his case?

SC D C O 4. What courts try cases involving serious crimes?

SC D C O 5. Joe breaks his town's speeding law. What court handles his case?

BONUS! A mystery case was tried in one of the following courts in Wyoming: **District Court, Supreme Court, County Court.**

The decision in the trial was appealed. The result of that appeal was reviewed by still another court. List the three courts in the order in which the mystery case reached them.

(Follow-up Quiz)

Reviewing America's Courts

strictly
Justices
100
200
fairly
branches
lower
higher
Senators

A. Choose the Best Answer! Read the following paragraphs. Then fill in the missing words. Choose your answers from the words in the box. Hint! You will not need every word in the box.

The most important law in the United States is the Constitution. It was written in 1787 and has lasted for more than ______________ years. The Constitution created three ______________ of government. One of these is the Supreme Court. The Court includes nine ______________, who are appointed by the President for life.

The Supreme Court can try certain cases. But most of its time is spent reviewing cases from ______________ courts. When the Supreme Court reviews a case, it has to decide if the case was handled ______________. It also has to decide if the courts paid attention to the Constitution and U.S. laws.

B. Find the Missing Parts!
Match the beginning of each sentence with its proper ending.

Beginning

1. ____ The first session of the U.S. Supreme Court was held
2. ____ In *Plessy versus Ferguson*, the Court supported
3. ____ In *Brown versus Board of Education*, the Court supported
4. ____ According to the Court, public schools may not tell students to recite
5. ____ When people are arrested, the police must remind them of
6. ____ The name of the first woman Justice on the Court is
7. ____ The highest court of appeals in the United States is

Ending

a. prayers in the classroom.
b. Sandra Day O'Connor.
c. the U.S. Supreme Court.
d. their right to remain silent and have a lawyer.
e. in New York City, in 1790.
f. "separate but equal" services for blacks and for whites.
g. an end to segregation in public schools.

C. Explain Government in a Free Society! On the lines below, explain why we need laws, police, and courts in a free society. Write each explanation in a sentence.

Laws: ______________________________

____

____

____

____

Police: ______________________________

____

____

____

____

Courts: ______________________________

____

____

____

Teachers' Guide

Using the Skills Handbook With Students

A constitution is, in fact, and must be regarded by the judges, as a fundamental law.... The interpretation of the law is the proper and peculiar province of the courts.
—From *Federalist 78*, by Alexander Hamilton

PURPOSE OF THE SKILLS HANDBOOK

Whether they're aware of it or not, most students in the middle grades have an extensive cluster of ideas about the role of courts in our life. Movies and TV sitcoms present judges, attorneys, litigants, and court officers in guises that range from "real-life" accuracy to heavy stereotype.

The approaching bicentennial of the U.S. Supreme Court offers a wonderful opportunity to correct any false impressions students may have about the judiciary and to focus on the important role it plays in our free society.

SUGGESTION FOR THE ORDER OF USE

This Handbook is arranged to lead students from less difficult to more difficult concepts, and from more familiar to less familiar information. For this reason, you may want to use the activities in the order in which they appear.

LEARNING OBJECTIVES

Students who use the entire Handbook can be asked to

- explain the role of courts in a free society;
- summarize the chief duties of the Supreme Court;
- trace the order in which a case is appealed from a lower to a higher court;
- read a map showing U.S. judicial circuits;
- give examples of major cases that the Court has decided over the past 200 years, and explain how those decisions affected Americans.

THIS GUIDE

The following material includes background information, tips, and discussion questions related to the activities in the Handbook. See page 16 for sources of further information and inside the back cover for the answer key.

Page 1 This is an easy, interesting way to get into the topic of the Supreme Court: A branch of government that did not have its own "home" for more than a century!

Page 2 Terms to watch for: *applying a law, trying a case.*
Use this page to elicit—and review—students' basic understanding about the role of laws, police, and courts.

Page 3 Terms: *appoint, branch of government, "checks and balances," diagram, unconstitutional.*
Here, students can apply what they've discussed about laws, police, and courts to the federal government.
Speculation: "Why do you think the writers of the Constitution wanted to avoid setting up a 'kingdom' in America? How do you think they planned to keep any one person from grabbing all the power?"

Page 4 Terms: *certiorari, opinion, review (a case), try (a case), unconstitutional, "watchdog."*
This page is a sort of primer on the Court. You may want students to return to it from time to time, as they work through the rest of the Handbook.

Page 5 Terms: *appeal, certiorari, federal, review, try (a case), versus.*
This page distinguishes among the three types of cases the Court handled—cases over which it has original jurisdiction, cases that it has to review by right of appeal, and cases it accepts on certiorari (SERSH-uh-RAY-ree).
Suggestion: You might want to have students read and discuss these cases—and work out the activity—in teams.

Page 6 Terms: *appeal, case, flowchart, review.*
Suggestion: You might want to compare this flowchart to any tiered process that students are familar with. For example, they might discuss how decisions are made and reviewed by the administration of the school (principal, assistant principals, teachers).

Page 7 Terms: *circuit, district, review.*
Be sure students understand the map key. Test them by focusing on their own state. **Discuss:** "How many district courts are in our state? What circuit are they in? What other states are in this circuit? Where is our circuit court of appeals located?"

Pages 8-9 Terms: *circuit, commerce, district, integrate, judicial, judiciary, review, session, uphold.*
Suggestion: Have students figure the exact date of each event by counting backward or forward from the decade marker to the line for the particular event. In order, these dates are: 1787, 1789, 1790, 1803, 1824, 1857, 1868, 1896, 1935, 1952, 1954, 1962, 1966, 1967, 1974, 1981, 1990.

Pages 10-11 Terms: *segregation, separate but equal, unconstitutional.*

Page 12 Terms: *founding fathers, opinion.*
Suggestion: Help students to spot the difference between fact and opinion: Cartoon A shows three branches of government (fact), but expresses an opinion as to which branch is most powerful. Cartoon B shows that Congress can make laws related to the Supreme Court (fact), but expresses an opinion as to whether such laws are needed.

Page 13 Terms: *appeals, disputes, flowchart.*
Suggestion: Have students compare this flowchart with the one on page 6. Point out that Wyoming (and some other states) do not have an intermediate appeals court.

BICENTENNIAL ACTIVITY!

Have students make and send a birthday card to the Supreme Court—or to a court in their own state. (All courts will join in celebrating the bicentennial.) **Suggestion:** Make a copy of the card on the back cover of the Handbook and use it as a cover for the students' cards.

Sources of Further Information

Commission on the Bicentennial of the United States Constitution
808 17th Street, N.W.
Washington, D.C. 20006
(202) USA-1787

Sponsor of this *Skills Handbook* on the Judiciary, the Commission offers programs and publications about the Constitution reaching every age group in American education. It has made available to school media centers across the country videotape copies of the "Equal Justice Under the Law" film series, dramatizing the major court cases of John Marshall. This series is available for purchase in VHS format from the Commission. The Judiciary is the principal theme of the Commission's 1990 Official Calendar. The Calendar provides useful teaching material and is available to teachers free of charge. Copies of the Commission's *The Judiciary and the Constitutional Order* booklet and other materials are also available.

CRADLE
Wake Forest University School of Law
P.O. Box 7206 Reynolda Station
Winston-Salem, North Carolina 27109
(919) 761-5872

Sharing Lessons in Citizenship Education (SLICE), a project of the Center for Research and Development in Law Related Education (CRADLE), is a repository for K-12 teacher-generated lesson plans and other materials to help teach the Constitution and Bill of Rights. Included in the offerings is a variety of law-related education materials, including those which focus on the judiciary system and the Supreme Court. For additional information or a copy of the catalogue contact CRADLE.

LAW-RELATED EDUCATION (LRE), A National Training and Dissemination Program

LRE is a cooperative program supported by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice (OJJDP). Since 1978, LRE projects have advanced the education of young Americans in our country's legal and political processes.

Program Coordinator
Law-Related Education (LRE)
25 E. Street, N.W.
Suite 400
Washington, D.C. 20001
(202) 662-9620

National Institute for Citizen Education in the Law (NICEL)
25 E. Street, N.W.
Suite 400
Washington, D.C. 20001
(202) 662-9620

NICEL has a number of teacher training programs, especially in the area of juvenile law and justice.

TEACHER READINGS

- **Baum, Lawrence.** *The Supreme Court*. 3rd edition. Washington, D.C.: Congressional Quarterly Books. 1988.
- *The Guide to American Law: Everyone's Legal Encyclopedia*. St. Paul, MN: West Publishing Co. 1987. (12-volumes)
- **Rehnquist, William H.** *The Supreme Court: How It Was, How It Is*. New York: William Morrow & Co., Inc. 1987.
- **Shafritz, Jay M.** *The Dorsey Dictionary of American Government and Politics*. Chicago: The Dorsey Press. 1988.
- **Shnayerson, Robert.** *The Illustrated History of the Supreme Court of the United States*. New York: Harry N. Abrams, Inc., with the Supreme Court Historical Society. 1986.
- **Stanley, Harold W. and Niemi, Richard G.** *Vital Statistics on American Politics*. Washington, D.C.: CQ Press, a Division of Congressional Quarterly, Inc. 1990.

STUDENT READINGS

- **Bentley, Judith.** *Justice Sandra Day O'Connor*. New York: Julian Messner. 1983. Junior High.
- **Greene, Carol.** *The Supreme Court*. Chicago: Children's Press. Grades K-4.
- **Jantzen, Steven.** *The Presidency, Congress, and the Supreme Court*. New York: Scholastic Inc. 1989. Junior High.
- **Riekes, Linda and Ackerly, Sally Mahe.** *The Law in Action Series*. 2nd edition. St. Paul, MN: West Educational Publishing. Grades 5-8.
- **Scholastic Inc. and the Constitutional Rights Foundation.** *Living Law: Vol. I, Criminal Justice. Vol. II, Civil Justice*. New York: Scholastic Inc. 1988. Junior High.

OTHER MEDIA

- "Forging a National Government: A Video Celebration of 200 Years of the Congress, the President, and the Judiciary." Published by Scholastic Inc. Free, on request, from the sponsor: Education Division of the Commission on the Bicentennial of the United States Constitution, Suite 800, 808 17th Street, N.W., Washington, D.C. 20006. Junior High.
- "The Judicial System of the United States." Filmstrips plus cassettes. 16-18 minutes each. National Geographic Society. Washington, D.C. 800-368-2728. Grades 5-12.
- "Sha-Law-law: Justice, The Courts and You." 17-minute filmstrip. Constitutional Rights Foundation. (Phone 213-487-5590 or 213-663-9057.) Grades 5-12.
- "The Supreme Court: Guardian of the Constitution." 30-minute video. Close Up Foundation. Washington, D.C. 1985. 800-336-5479. Junior-Senior High.

Answer Key

PAGE 1

The connecting line begins at the upper left-hand corner, and continues counterclockwise around the page. The places in the order that the Supreme Court first moved into them are: 1. The Royal Exchange, New York City; 2. Old State House (Independence Hall), Philadelphia; 3. Old City Hall, Philadelphia; 4. Various rooms in U.S. Capitol, Washington, DC; 5. House on B Street, S.E., Washington DC; 6. Old Senate Chamber, Capitol, Washington, DC; 7. U.S. Supreme Court, Washington, DC.

PAGE 2

1-F; 2-C; 3-B; 4-E; 5-D; 6-A.

PAGE 3

1-c; 2-a; 3-b; 4-a; 5-b. BONUS! projects should illustrate how to balance the parts of a mobile. The duties of the three branches of government "balance" each other's powers.

PAGE 4

Answers will vary. Possibilities include: knowledge of the Constitution; the ability to see two sides of a case; the ability to work on a team; a strong sense of justice; an understanding of the difference between obeying and disobeying the law; a liking for the law; a knowledge of history; the strength of one's convictions; a questioning mind; a knowledge of the way government works.

PAGE 5

1-B; 2-A; 3-C. BONUS! The Supreme Court alone has power (jurisdiction) over disputes between Congress and a state. No state court has the final authority to decide whether an act of Congress is constitutional. Students might infer this answer from the hint in the introduction and from the activity on page 4.

PAGE 6

1-I; 2-G; 3-A; 4-D; 5-A; 6-H; 7-C; 8-D; 9-F; 10-I.

PAGE 7

1-T; 2-T; 3-F; 4-T; 5-F; 6-F; 7-F; 8-F; 9-T; 10-T. BONUS! Maps will vary in color, but should accurately divide the 13 original states into 3 circuits.

PAGES 8-9

Lines should be connected from each date, in order, to each "extended" line, in order, on the timeline.

PAGES 10-11

Answers will vary. Students may consider the reputation of Thurgood Marshall, Diana's faith in the American system, recognition of the Court's role in influencing other courts, and the ending of segregation in other fields, such as in the U.S. Armed Forces.

PAGE 12

Cartoon A: 1-No; 2-Supreme Court; 3-Yes. You might use this question to point out how much cartoonists rely on their readers' knowledge of contemporary events. In the late 1960s, when President Johnson was in office (see caricature) and Earl Warren was Chief Justice, readers would have known that there was deep resentment, in some quarters, to recent Court decisions (see references to *Engel* and *Miranda* cases, on page 9, and to the *Miranda* case on page 5).

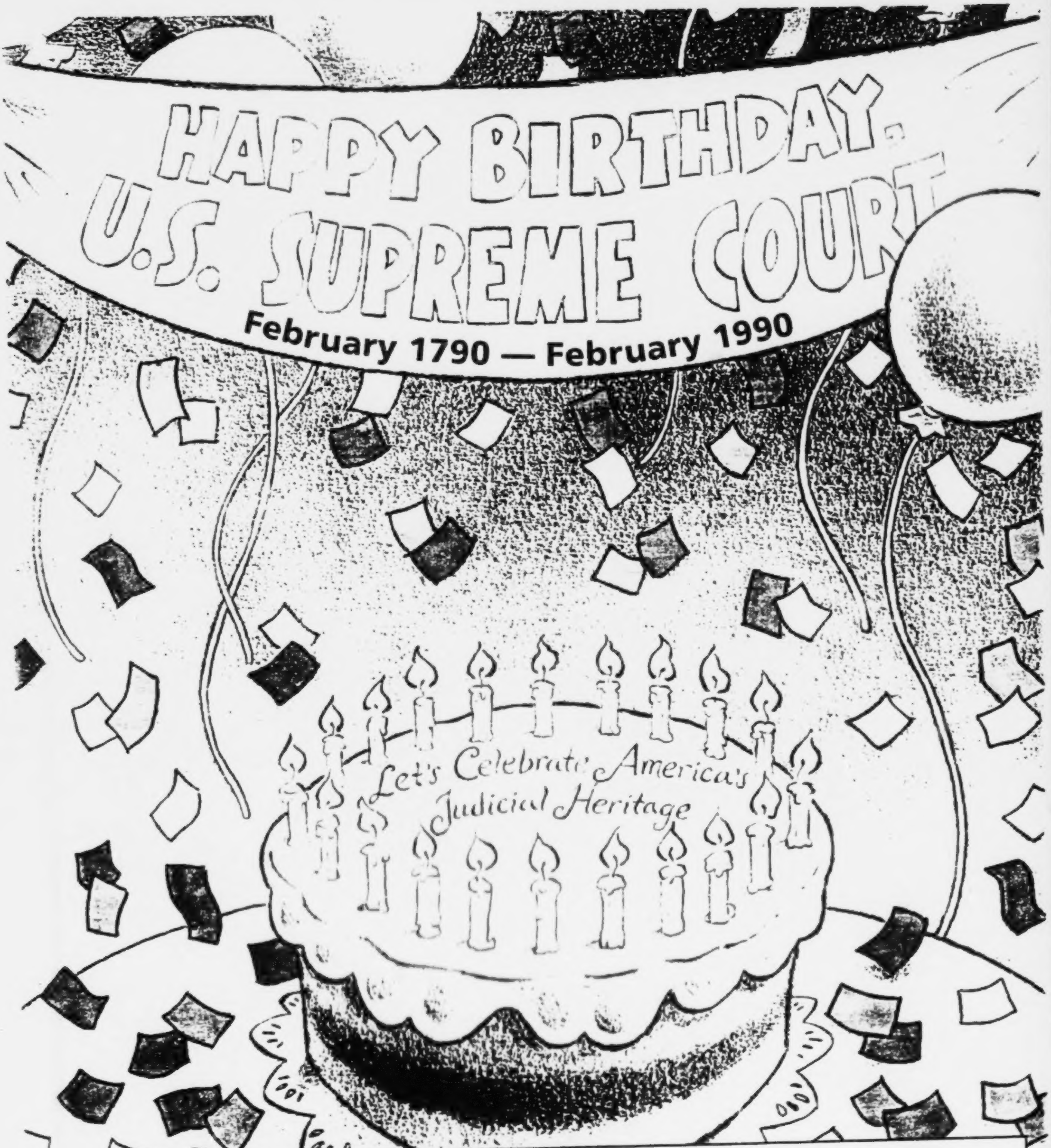
Cartoon B: 4-No; 5-No; 6-Yes; 7-a chance to curb the Court; 8-opinions; 9-editorial pages; 10-No. This answer is based on a consideration of both cartoons, taken together.

PAGE 13

1-SC; 2-D; 3-C; 4-D; 5-O. BONUS! County Court, District Court, Supreme Court.

PAGE 14

(A) 200, branches, Justices, lower, fairly. (B) 1-e; 2-f; 3-g; 4-a; 5-d; 6-b; 7-c. (C) Answers will vary. See the activity on page 2.


HAPPY BIRTHDAY.
U.S. SUPREME COURT
February 1790 — February 1990
Let's Celebrate America's Judicial Heritage

Draw and write your own Happy Birthday design and greetings on the blank space on this card. Send the card to the U.S. Supreme Court, or to one of the courts in your state.

BEST COPY AVAILABLE

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

NEWSLETTER OF THE COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION
MARCH 1990 VOLUME 6, NUMBER 2

Congress Honors One of Its 'Most Important Acts'

During a special "hour" set aside in Congress, members of the House and the Senate paid tribute to the Bicentennial of the Judiciary Act of 1789 and the first meeting of the Supreme Court, February 2, 1790.

Speakers from both houses described the humble and uncertain beginnings of the Supreme Court and the role of the Court to say what the law is and to protect individual rights.

Several Commission members attended: Representatives Lindy Boggs and Philip M. Crane; Senators Dennis DeConcini, Mark O. Hatfield, Edward M. Kennedy, and Strom Thurmond.

Remarks from the Senate

Sen. Kennedy (D-Mass.) said, "For millions of citizens in this country, the judiciary is--and is too often the only--protector of the rights at the heart of our democracy...before the Supreme Court, all are equal."

Sen. Hatfield (R-Wash.) noted, "our democracy thrives today because...of an independent judiciary whose duty it is to give authoritative meaning to the Constitution."

Sen. Thurmond (R-S.C.) urged citizens to read the Constitution "to gain a true understanding of the impact of this document...."

Recalling the creation of the Judiciary Act of 1789, Sen. Terry Sanford (D-N.C.) said, "Those of us in this Chamber should be especially proud of the fact that when the First Congress convened in 1789, the Senate began working on its very first piece of legislation. It is no coincidence that this was legislation to establish the Judicial courts of the United States. On this anniversary, we should take special note and pay tribute to the 550 district judges, 160 courts of appeals judges, and nine justices on the Supreme Court."

(*Continued on Page 3*)

Chief Justice Rehnquist Unveils Judiciary Stamp

"John Marshall...is the only choice to represent the Judicial Branch." With these words Chief Justice of the United States William Rehnquist honored the man whose portrait appears on a U.S. Postal Service's new stamp commemorating the Bicentennial of the Judicial Branch.

Chief Justice Rehnquist (*pictured, far right*) was joined by Postmaster General Anthony Frank (*at left*) at a public ceremony, February 2, unveiling the stamp in the Great Hall of the Supreme Court. Associate Justice William Brennan and former Associate Justice Lewis Powell also attended.

(*Continued on Page 2*)

Photo by Patrick McCabe, U.S. Postal Service

BEST COPY AVAILABLE

Judiciary Stamp, cont.

The new 25-cent postage stamp--black, with an off-white likeness of Chief Justice Marshall, trimmed in red--was released on February 2, 1990, the 200th anniversary of the first session of the Supreme Court. In keeping with a recent Postal Service trend in commemorative stamps, the Marshall 25-cent stamp contains biographical information printed in the margins of sheets of the stamps.

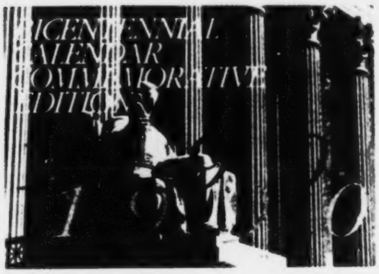
Chief Justice Rehnquist noted that members of the Court have not been honored very often by being placed on stamps. He said that members of Abraham Lincoln's Civil War cabinet, Secretary of State William Seward and Secretary of War Edwin Stanton, had been honored on stamps. But Lincoln's Secretary of Treasury Salmon P. Chase, who later became Chief Justice of the United States, had not received similar recognition.

Among Chief Justices, Rehnquist said, four others besides Marshall have been honored with stamps--Harlan Fiske Stone, John Jay, and Charles Evans Hughes, while William Howard Taft, who was both Chief Justice and President, is on two stamps. (Marshall has appeared on five earlier stamps.)

After listening to the Chief Justice's history of the Judicial Branch on stamps, Postmaster Frank said that he receives thousands of requests each year for commemorative stamps, but he had never been "lobbied more graciously." He said the Judicial stamp is the twentieth Bicentennial commemorative stamp issued since the beginning of the Bicentennial in 1987.

The U.S. Postal Service considers commemorative stamps "teaching material" to make Americans more aware of their Constitution.

The Judicial stamp is the fourth and last in the series marking the Bicentennial of the three branches of the Federal government.



1990 Commission Calendar Available

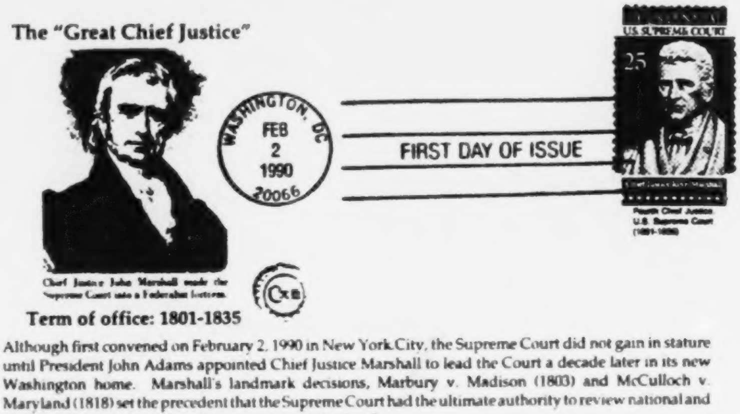
A limited supply of the 1990 commemorative Commission calendar is still available. The four-color 17 x 24-inch wall calendar tells the story of major events in 1790: the beginning of the Supreme Court and the federal court system; the surge of creativity unleased by the copyright and patent acts of 1790; and the first census.

To order, send a check or money order for $3.00 to:

Commission on the Bicentennial
of the United States Constitution
808 Seventeenth Street, NW
Washington, DC 20006-3999
(202) 653-9800

"We the People" is published bimonthly by the Commission on the Bicentennial of the United States Constitution, 808 Seventeenth Street, N.W., Washington, D.C. 20006-3999, (202) USA-1787. Subscription free upon request.

The Commission was established by Congress to direct and encourage Constitutional awareness activities during the five-year Bicentennial commemorative period, 1987-91. Newsletter Editor: Don Reilly. Assistant Editor: Patricia Andrews.


The "Great Chief Justice"
Chief Justice John Marshall made the Supreme Court into a Federalist fortress.
Term of office: 1801-1835
WASHINGTON, DC
FEB
2
1990
20066
FIRST DAY OF ISSUE
US SUPREME COURT
25

Although first convened on February 2, 1990 in New York City, the Supreme Court did not gain in stature until President John Adams appointed Chief Justice Marshall to lead the Court a decade later in its new Washington home. Marshall's landmark decisions, Marbury v. Madison (1803) and McCulloch v. Maryland (1818) set the precedent that the Supreme Court had the ultimate authority to review national and state legislation and declare these acts unconstitutional.

First Day Cover

Courtesy of American Bicentennial Study Group

Congress, cont.

Sen. Joseph R. Biden, Jr., (D-Del.) said that the Supreme Court helps to insure "that each generation of Americans bequeaths to their children a nation that is a little more fair, a little more just, and a little more free."

The workload of the federal judiciary was outlined by Sen. Charles E. Grassley (R-Iowa) who said that since 1960 there has been a 300% increase for federal district courts and a 600% increase for circuit courts.

Senator Grassley is a member of the Federal Courts Study Committee and said that recommendations to relieve the courts include the use of "alternative dispute resolution methods." Another, he said, was to request a "judicial impact statement" when laws are proposed, similar to the requirement for an environment impact statement. He added, "I believe we also have an obligation to recommit ourselves to forcing committees of Congress to do a better job of legislation drafting--to give more explicit direction to the courts, rather than simply leaving it to the courts to make the tough choices by 'filling in the gaps' about our intent."

Sen. DeConcini (D-Ariz.) said that the courts have provided citizens redress and relief from intrusions by government and have become for many the symbol of equality and freedom.

Senators Thad Cochran (R-Miss.) and Daniel Moynihan (D-N.Y.) reviewed the history of the court. Sen. Moynihan noted that President Reagan signed the Judiciary Building Development Act in 1981 authorizing the construction of a second building for the Supreme Court. "In the long history of this Republic," he said, "this was only the second time we had been asked to provide the Supreme Court a building."

Remarks from the House

Rep. Louis Stokes (D-Ohio) noted that the Supreme Court, like the Constitution, has evolved over time. He paid tribute to Associate Justice Thurgood Marshall "who has earned a place in the Court's history not only because he is the first black ever appointed to sit on the Court, but because he has played an indispensable role in making law an effective instrument in protecting and advancing the rights and freedoms of all American citizens."

Rep. Jack Brooks (D-Tex.) said that the Courts give "substance to the freedoms enumerated in the Bill of Rights." He added that even though the judiciary is above the political fray, it is not immune from attack, citing with sadness the recent "tragic death of Judge Robert Vance...the target of an attack based on the discharge of his judicial responsibilities."

Rep. Lindy Boggs (D-La.) placed in the *Congressional Record* a statement by Chairman Warren E. Burger which described the gradual ascent of the Supreme Court to a level of co-equality with the other two branches of government. But, the former Chief Justice said, the Court has had its low points, too, and he cited the actions of the Court under Chief Justice Taney.

Rep. Benjamin Gilman (R-N.Y.) noted that although the Court has had its share of scandal, it has for 200 years balanced the scales of justice with sobriety and dignity.

Rep. Don Edwards (D-Cal.) noted "throughout its history, the Supreme Court has been charged with enforcing the promises of the Bill of Rights" and he cited several examples, "school desegregation cases, right of privacy cases, freedom of speech and religion cases, and cases protecting the rights of minorities."

Rep. Jack Buechner (R-Mo.) said that the genius of judicial review is that it unifies the interpretation of the laws that Congress passes.

Rep. Philip Crane (R.-Ill.) said that "while we may not agree with the outcome of judicial review, we are nonetheless blessed that we have such a system."

Rep. Bob Kastenmeier (D-Wis.) noted that when the Constitution was written, it excluded a majority of citizens--blacks and women. "Today," he said, "*We the People* no longer enslaves, and the credit should not go to the framers. It belongs to others--citizens, legislators, judges and justices and others who have refused to acquiesce in antiquated notions...and have struggled within the confines of society to better them."

Rep. Edolphus Towns (D-N.Y.) added, "Traditionally, the Court has found a way to protect the discrete and insular minorities from the tyranny of the majority.... When the Court fails, the unheard are silenced and the unprotected are made vulnerable."

State and Federal Courts Mark Judiciary Bicentennial

The Bicentennial of the first meeting of the Supreme Court of the United States has been observed in state and federal courts across the nation.

At a meeting of the Conference of State Supreme Court Justices last year, Commission Chairman Burger invited the state courts to join the federal judiciary in a nationwide commemoration. Conference Chairman Chief Justice Harry L. Carrico of Virginia, endorsed the plan and encouraged activities.

Virginia: Chief Justice Carrico presided over a special ceremony commemorating the Judiciary Act of 1789 and the first session of the U.S. Supreme Court. U.S. District Court Judge J. Harry Michael, Jr., of the Western District of Virginia, participated in the ceremony acknowledging the federal-state partnership.

Michigan: Nine federal judges welcomed over one thousand high school students into their courts for special ceremonies on February 2 in Bay City, Detroit, Flint, Grand Rapids, Kalamazoo, Lansing, and Marquette to commemorate the Bicentennial of the Supreme Court.

New York: The State Court of Appeals--the state's highest court --held a ceremony on February 8. Chief Judge Sol Wachtler--who serves as Chairman of the New York Bicentennial Commission--discussed the role of New Yorker John Jay as first Chief Justice of the United States, and what Judge Wachtler called a "rebirth of state constitutional law and a revitalization of state courts."

Utah: Trial courts in the state suspended operations at 10 a.m. on February 2, for the reading of a resolution marking the first meeting of the U.S. Supreme Court in 1790. The resolution read, in part, "We commend the continuing work of the highest court in the land, and the dual system of state and federal judicial institutions, which have effectively preserved the rights and freedoms of Americans for two centuries...."

Florida: U.S. District Court Judge Howell W. Melton, of Jacksonville, conducted a special attorney admission ceremony on February 2. Judge Melton and two other district judges, a bankruptcy court judge, and two U.S. magistrates presided over the admission of 59 attorneys to the federal bar. The ceremony concluded with the swearing-in of the Honorable Susan H. Black as the new Chief Judge of the Middle Circuit of Florida.

Alaska: Governor Steve Cowper issued an Executive Proclamation designating February 2, 1990, as Federal Judiciary Day in Alaska. Governor Cowper's proclamation read in part, "it is appropriate for Alaska to acknowledge the role of the U.S. Supreme Court in preserving and protecting the rights and freedoms of both the State of Alaska and its residents."

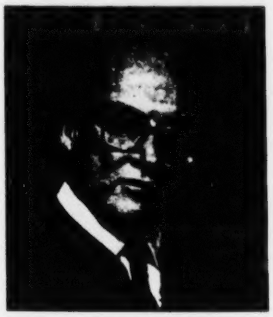
Indiana: Chief Justice Randall Shepard, Chairman of Indiana's Bicentennial Commission, spoke to the Tippecanoe County Bar Association on the history of the Supreme Court and how the judiciary relates to people today.

Alabama: Chief Justice "Sonny" Hornsby of the Alabama Supreme Court sent a letter to all appellate justices and judges and all district and circuit judges in the state, inviting participation in commemorating the 200th anniversary. Justice Hornsby said that America has grown "far beyond the imagination of our forefathers. As big as the federal judiciary has become, and as vast as its jurisdiction has expanded, still, the overwhelming majority of all civil and criminal cases in this country are heard in state and local courts."

Kansas: The State Supreme Court held a memorial service for former Kansas Chief Justice Harold Fatzer. In his remarks, Chief Justice Robert Miller noted that February 2 was a significant day to honor the late Justice. Judge Deanell Reece Tacha, 10th U.S. Circuit Court of Appeals, spoke on the court system in its third century during a public ceremony at Lyons High School.

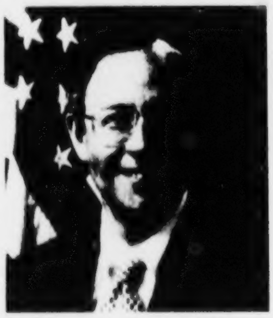
Louisiana: Special proceedings were held in the Chambers of the Supreme Court. Chief Justice John Dixon presided, while the address, *Time and the Court*, was given by LSU Law Professor Paul Baier, Executive Director of the Louisiana Commission.

Texas: The Texas Supreme Court held a ceremony in the House of Representatives chambers on January 13, to commemorate the Sesquicentennial of that court. A number of artifacts from Texas' early history were displayed, including Sam Houston's Bible, still used today for swearing-in ceremonies.

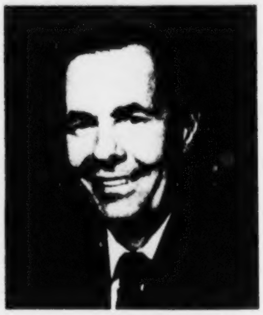


Chief Justice William H. Rehnquist

Chairman Warren E. Burger



Solicitor General Kenneth Starr



Former Solicitor General Rex Lee

The Supreme Court--"A New Idea in Government"

Chief Justice of the United States William H. Rehnquist said that the framers of the Constitution incorporated two new ideas in the art of government. One of the themes was a "constitutional court which should have authority to enforce the provisions of a written constitution."

The Chief Justice added, "I do not think that I overstate the case when I say that the idea of a constitutional court such as this one is the most important single American contribution to the art of government."

The Chief Justice spoke during a simple, dignified ceremony at the Supreme Court on January 16, 1990 to commemorate the 200th anniversary of the Court. The Chief Justice was joined by Warren E. Burger, who served as Chief Justice from 1969 to 1986, and is now Chairman of the Bicentennial Commission. Solicitor General Kenneth Starr and former Solicitor General Rex Lee also took part in the program.

On February 1, 1790, three members of the Supreme Court met in a second-floor room in a building in lower Manhattan that was used as a farmers' market. Lacking a quorum, the Justices adjourned until February 2 when a fourth member arrived to make a quorum. The Court consisted of a Chief Justice and five Associate Justices in those days.

Chief Justice Rehnquist said, "The three Justices who gathered in New York City on February 1, 1790, could not possibly have foreseen the future importance of the court...."

Chairman Burger said, "The young Supreme Court did not enjoy the prestige that it has today. It was not regarded as a co-equal branch, and some questioned whether it could survive." However, the Chairman said, the appointment of John Marshall in 1801 as the Fourth Chief Justice marked "a great epoch in the history of this Court and of this country."

Noting the dramatic demand for freedom now prevalent throughout the world, the Chairman said, "Our history is their hope, and our hope for them must be that whatever systems they set up in place of the tyranny they have rejected will include a judiciary with authority and independence to enforce the basic guarantees of freedom, as this Court has done for these two hundred years."

Solicitor General Kenneth Starr noted that while the judiciary was considered "the least dangerous branch," over time it has become a "truly co-equal, coordinate branch with the Legislature and the Executive."

The Solicitor General is the third highest-ranking official in the Department of Justice and is appointed by the President to represent the U.S. government before the Supreme Court. The position was created by Congress in 1870 with the establishment of the Department of Justice. In earlier days, the Attorney General represented the government before the Supreme Court.

Former Solicitor General Rex Lee recalled some of the outstanding Attorneys General who have appeared before the Supreme Court, including Edmund Randolph, former governor of Virginia, and William Pinkney. Pinkney was described by Chief Justice Marshall as "the greatest man...ever seen in a court of justice."

Solicitor General Lee said that members of the bar "of this Court are proud of the institution whose two hundredth birthday we celebrate, proud of what it has meant and what it has done for our country and its people...."

Chairman's Corner

James Madison

March was an important month to James Madison, "architect" of our Constitution. He was born in March 1751; he retired from the House of Representatives in March 1797, having, among other things, introduced the Bill of Rights; on March 5, 1801, he was named Secretary of State; and eight years later, on March 4, 1809, he succeeded Jefferson as President.

Madison's life and work is the story of our transition from a confederation to true nationhood; he studied, dreamed, and practiced the arts of government -- the political process -- from his early youth. He knew what the wisest men of the past had thought and written about government.

Jeffersonians like to remind us that Jefferson sent Madison many books on government as he was preparing for the Philadelphia Convention, but that was done because Madison asked for those books--and Jefferson sent him the bill.

These two great Americans shared much but they were quite different: Jefferson tall, handsome, striking, given to riding and hunting; Madison short, slim, introverted, retiring, unimpressive in appearance and speech. Younger than Jefferson by eight years, he was overshadowed by the man regarded as his mentor. Like Jefferson he was a student of the classics and trained in the law -- a profession he saw as depending as "little as possible on the labor of slaves."

Like Jefferson he took no part in military campaigns but he had begun a political career before the Declaration of 1776. With Washington, Hamilton, Jay, and others, he had seen the flaws of the Articles of Confederation early. He saw the interrelationship of the political and economic problems and rejected the idea of some Virginians that the Articles would work with a few changes.

With Hamilton he "engineered" the Annapolis Convention -- the most successful failure in history -- that led to the Philadelphia Convention a year later. Foreseeing the meeting's potential importance, like Hamilton, he arrived in Philadelphia weeks ahead of the meeting with a plan which became the architectural basis for the meeting -- the Virginia Plan. These two men, Madison and Hamilton, had many differences as to means, but they shared a common objective as to ends. Madison was close to Jefferson politically but saw more clearly the economic aspects pressed by Hamilton.

Once the draft was before the American people, Madison joined Hamilton and Jay to "sell" the Constitution to the people and the *Federalist Papers* emerged. England's Prime Minister, William E. Gladstone, later described the Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Despite the urgings of his friend Jefferson, Madison believed that the addition of a bill of rights to the Constitution was unnecessary. But the Federalists had been compelled to acquiesce in the Anti-Federalists' demand for the addition of protections of basic rights.

In the First Congress, Madison took the lead in authoring and sponsoring the proposals that became the Bill of Rights. He had come to the conclusion that such amendments would probably not be harmful and would also forestall any further movements for a new constitutional convention.

After two terms as Secretary of State, and two terms as President, Madison retired in 1817 to his Virginia home, Montpelier. He continued to take an active interest in national affairs, and with his neighbor Jefferson was instrumental in establishing the University of Virginia. Mr. Jefferson designed the buildings himself but when it came to designing the curriculum he turned for help to his wise and respected friend.

James Madison died on June 27, 1836, nearly half a century after the Constitution was signed. Among his papers was discovered his final advice to the American people:

> *The advice nearest to my heart and deepest in my convictions is, that the Union of the States be cherished and perpetuated. Let the open enemy to it be regarded as a Pandora with her box opened, and the disguised one as the Serpent creeping with his deadly wiles into Paradise.*

Madison's Home: Center for Constitutional Study

Students soon will be able to study the Constitution in the home of James Madison, the "Father" of the Constitution.

With funding from the Commission's Discretionary Grant Program, Montpelier has created a teaching program, *Madison, Montpelier and the Constitution*. Through classroom study and a visit to Montpelier, students will share Madison's thoughts on government, the warmth of his home, and the legacy of his contribution to the United States.

In preparation for their visit, students will see a videotape focusing on Madison as chief architect of the Constitution. Other briefing materials include learning activities, role-playing scripts, maps, and a timeline of Madison and his place in history.

Students will study about the Madison household and play the roles of family members and friends during their Montpelier visit. Other students will take parts as reporters and question the student actors about the life and times of Madison and the formulation of the Constitution.

Montpelier was settled in 1723 by Madison's grandparents. The mansion is near the Blue Ridge mountains in Orange County, Virginia, in a bucolic setting of 2,780 acres. Between 1755 and 1765 James Madison, Sr., built a two-story house on the site. His son, James, Jr., expanded the house, employing craftsmen from Jefferson's Monticello to add two wings and a colonnade.

Montpelier was a sanctuary where Madison retreated on every possible occasion. When he retired from government in 1817, after serving two terms as President and seeing the country through the War of 1812, Madison and his wife Dolly returned to the serenity of Montpelier.

Several years after James Madison's death in 1836, Dolly sold the mansion to pay off her son's gambling debts.

In 1902 William du Pont bought the estate, doubled the size of Madison's original house, added formal gardens, and a steeplechase. Marion du Pont Scott, who inherited the mansion from her father, left the property to the National Trust for Historic Preservation in 1984 with directions that it become "an historic shrine...to James Madison and his times."

Congress has appropriated one million dollars and Virginia has provided $950,000 to the National Trust to "stabilize" the manor and to begin repairs. According to experts, it will take about $20 million to research Madison's life at Montpelier, stabilize the property, restore and furnish historic rooms, and create an interpretative program for visitors and scholars. Part of Montpelier was opened to the public in 1987 in commemoration of the Bicentennial of the U.S. Constitution.

For more information on the teaching or renovation programs, contact:

The National Trust
Montpelier, PO Box 67
Montpelier Station, VA 22957
(703) 672-2728.

Three More States Commemorate

During January of 1790, three more states ratified the Bill of Rights: South Carolina, New Hampshire and Delaware, bringing to six the number of state legislatures to ratify the first ten amendments to the Constitution.

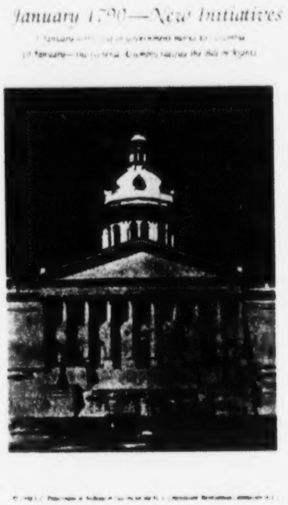
History records little of the debate that occurred in the state legislatures that ratified the amendments to the Constitution. Major debate on a bill of rights had occurred during the state conventions that ratified the Constitution.

To satisfy demands for a bill of rights, on September 25, 1789, the First Federal Congress passed and submitted to the states twelve proposed amendments to the Constitution. They included the ten amendments called the Bill of Rights today and two amendments which were never ratified -- one dealing with apportionment in the House of Representatives and one with Congressional salaries.

Two months later, New Jersey ratified eleven of the twelve proposed amendments; Maryland and North Carolina ratified all twelve proposals in December 1789.

South Carolina

On January 19, 1790, South Carolina became the fourth state to approve the Bill of Rights. The state received the proposed amendments from Congress, as well as a handwritten letter from President George Washington to Governor Charles Pinckney. The South Carolina House approved all twelve proposed amendments on January 18, 1790; the state Senate concurred one day later.


January 1790—New Initiatives

South Carolina's support for the Constitution in 1788 had been split geographically. Those from the lowland, coastal area around Charleston were strong Federalists in favor of ratification; those from the Upcountry, near Columbia, were Anti-Federalists. Arguments during the ratification convention, held in Charleston, reflected this division. After ten days of debate, the convention ratified the Constitution, May 23, 1788, and proposed two amendments: limits on Congressional taxing power and retention by the states of all powers not expressly delegated to the federal government by the Constitution. This latter proposal was incorporated in the Tenth Amendment.

To commemorate its role in ratifying the Bill of Rights and the move of the state capital to Columbia, a joint assembly of the legislature was held at the State House in Columbia on January 14, 1990. Featured speakers were P. Bradley Morrah, Jr., Chairman of the South Carolina Commission on the Bicentennial of the Constitution, and George C. Rogers, Professor of History Emeritus at the University of South Carolina. A display of historic documents, including Washington's letter to Pinckney and the copy of the twelve proposed amendments sent to South Carolina by Congress 200 years ago, was set up in the State House by the Bicentennial Commission.

New Hampshire

On January 25, 1790, the New Hampshire legislature ratified all of the proposed amendments to the Constitution except the one dealing with Congressional pay, making the state the fifth to approve the Bill of Rights.

Two years earlier, it was doubtful that New Hampshire would even ratify the Constitution. The state convention in Exeter was nine days old when the Federalist supporters of the Constitution realized that a majority of delegates opposed ratification of the Constitution without a bill of rights. The Federalists were able to adjourn the convention without a vote on ratification, and the convention reconvened in June in Concord.

Continued on Page 9

Bill of Rights Ratification

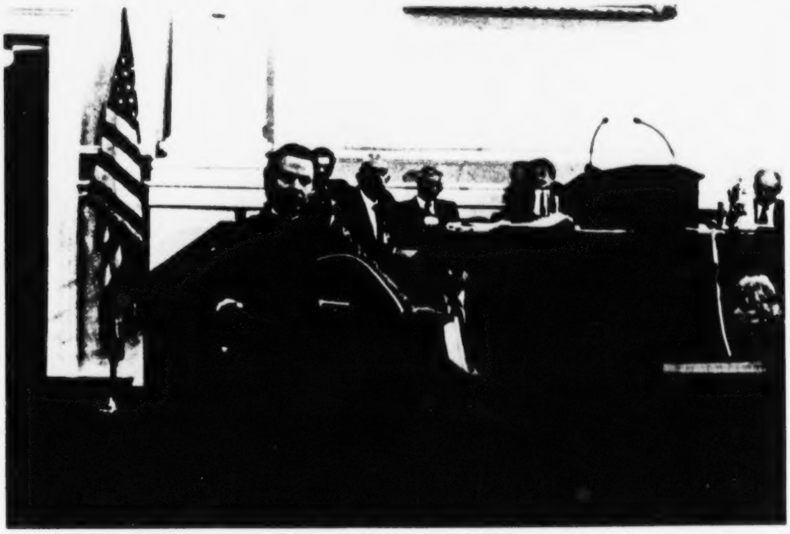
With assurance that a bill of rights would be added once the Constitution was ratified, the Concord convention ratified the Constitution, July 21, 1788.

The New Hampshire House and Senate met in Concord for a Joint Commemorative Convention on January 23, 1990. State Rep. Ednapearl Parr, Vice Chairman of the New Hampshire Bicentennial Commission, called the ceremony "a celebration of the Bill of Rights and our legal system." Governor Judd Gregg welcomed the legislators by noting that 200 years after the Bill of Rights, "people in eastern Europe are now seeking those same rights." Chief Justice David A. Brock provided a sketch of New Hampshire's ratification of the Bill of Rights and honored two "Granite Staters" who played prominent roles.

Delaware

Less than three years after becoming the first state to ratify the Constitution, Delaware became the sixth state to approve the Bill of Rights. On January 28, 1790, Delaware ratified all of the proposed amendments, except the one dealing with Congressional apportionment.

Delaware had always been a strong proponent for the Constitution. On December 7, 1787, thirty delegates, meeting in Dover at Battell's Tavern, unanimously voted for state ratification. At the same time, the members passed a resolution offering the national government a ten-mile-square site for the nation's capital. To this day, Delaware proudly boasts of being "The First State" to ratify the Constitution.



Clay Jenkinson, Denver, Colorado, portraying Thomas Jefferson, addressed New Hampshire Gov. Judd Gregg, state legislators, and the public at a ceremony to mark the Bicentennial of New Hampshire's signing of the Bill of Rights.

In 1990, Delaware commemorated its Bill of Rights ratification with a proclamation by Governor Michael Castle, *(above, right)* proclaiming the week of January 28 through February 3 as ***Bill of Rights Week in Delaware***. Gov. Castle was introduced by Harvey Rubenstein, *(above, left)* a member of the Delaware Bicentennial Commission. A banner was hung over Wilmington's Market Street Mall area, calling attention to the commemoration.

The General Assembly in Dover passed a resolution honoring the Bill of Rights. The Delaware Heritage Foundation asked all houses of worship to sound their bells at noon on January 28, and suggested sermons on religious freedom under the Bill of Rights.

Chuck Timanus

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Across the States

Kentucky Legislature

A Concurrent Resolution (issued February 16) from Kentucky's General Assembly urged other state legislatures to enact legislation requiring their public schools to display copies of the Bill of Rights in commemoration of the Bicentennial anniversary.

Kentucky has required that a copy of the Bill of Rights be prominently and permanently displayed in each public elementary and secondary school classroom during the 1990-91 Bicentennial celebration.

A copy of the legislation is being sent to the presiding officer of each state legislature.

New York Boys Home

Boys in a juvenile center in New York are learning civic responsibility by doing hands-on research projects.

The boys recently completed a 16-page booklet on the history of Scotsville, New York. Scotsville Mayor Jerry Warren met with the students on several occasions and provided workshops on citizenship, government, civics, and historical research. The youth worked with the local historic society, library, and town supervisor on the project.

Upcoming projects include producing short television spots reflecting historic life in greater Rochester and the publication of a historical calendar for Monroe County.

David M. Carr, Principal of Oatka Heights School, said that many of the students, ranging in age from 11 to 17 and from different backgrounds, have failed repeatedly in traditional educational settings. Mr. Carr said the hands-on projects involve students with the community and show them that they are capable of making a contribution, while sharpening educational skills and understanding.

The Monroe County Historian's Office and the Criminal Justice and History Departments of State University of New York College at Brockport work with Oatka on these projects.

Maryland Forums

The village of Friendship Heights, Maryland, has sponsored a series of public meetings called *Friendship Forums* to deepen local awareness of 20th century issues as they relate to underlying Constitutional principles.

Through various formats--round table, panels, debates, and lectures--public officials, political leaders, journalists, and educators, addressed such issues as *The Selection of Presidential Nominees* and *The First Amendment -- Freedom or Abuse?* Audience participation was encouraged through a question-and-answer period.

Future forums are planned. The program is sponsored by the Friendship Heights Village Council and Bicentennial Committee of Friendship Heights.

Missouri Students

Photo by Deana Parsons, Parkway School District

Students at McKelvey Elementary School in Maryland Heights, Missouri, created a quilt (*pictured above*) as part of their studies on the Constitution Bicentennial. Under the direction of 4th-grade teacher Gloria Dalton, students hand-stitched blocks, and parents and teachers helped in quilting. The quilt was displayed during the National Council for the Social Studies Convention in St. Louis.

Across the States

Colorado Courts in the Community

The Colorado Supreme Court, as part of its Bicentennial commemoration, has initiated a program to bring the Court to the community. The seven Justices of the Court travel to various judicial regions to hear oral arguments before local audiences, including high school students. The students are briefed in advance on each case so they can follow the issues involved.

The most recent effort took place in La Junta, Colorado. Twenty-four high schools scattered throughout the remote southeastern region of Colorado (48,000 square miles) were invited. The Humanities Center at Otera Junior College was selected as the site for the Court session.

To prepare students, social studies and speech/debate teachers attended in-service training and received a teaching packet with synopses of the cases, glossaries, and strategies for the classroom. Volunteer attorneys from local bar associations visited classrooms to discuss significant case facts, legal precedents, and issues that could be raised during the arguments.

A seating shortage on the day of the proceedings caused students to rotate between the three "live" sessions and closed-circuit viewing.

Students representing each of the participating high schools joined the Justices for lunch and were encouraged to discuss what they had observed during the hearings. Students later commented on the "humanness" of the Justices. In only one instance did conversation stray from litigation to questions of football prowess.

One student voiced the program's success, "Reading about the court system is pretty boring, but in reality, it is a lot more interesting than I thought."

For information on this continuing program or suggestions on adapting it to your community, contact:

"Colorado Courts in the Community"
Public Education Coordinator
Colorado Judicial Department
1301 Pennsylvania Street, Suite 300
Denver, Colorado 80203

Massachusetts Cookbook

The Stoneham, Massachusetts, Bicentennial Committee will produce a cookbook to commemorate the Constitution. The committee has asked each state to send five or six state recipes that have been handed down to succeeding generations since the Constitution came into effect. The cookbook will also include a reprint of the Constitution, dates of important events 200 years ago, and memorable quotations on the Constitution and Bicentennial commemoration.

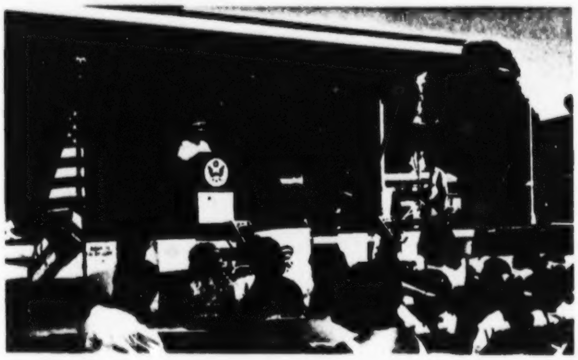
Paul McDonald, chairman of the Stoneham Committee, said, "The cookbook should be in everyone's kitchen, because not only will the recipes be unique, but it will be a constant reminder of the Constitution."

The book will be printed and bound by students at the Northeast Metropolitan Regional Vocational School, Wakefield, Massachusetts. The cookbook should be ready for distribution in September, 1990. For more information, please contact:

Paul E. McDonald, Chairman
Constitution Bicentennial Committee of Stoneham
2 Harrison Street
Stoneham, Massachusetts 02180
(617) 662-2059

California Military

The Naval Station in Long Beach, California, recently hosted over 1,000 students from local schools to kick off local commemoration programs honoring the 200th anniversary of the Bill of Rights. Rear Adm. John J. Higginson, Commander Naval Surface Group Long Beach, spoke on the topic "What the Bill of Rights Means to Me."



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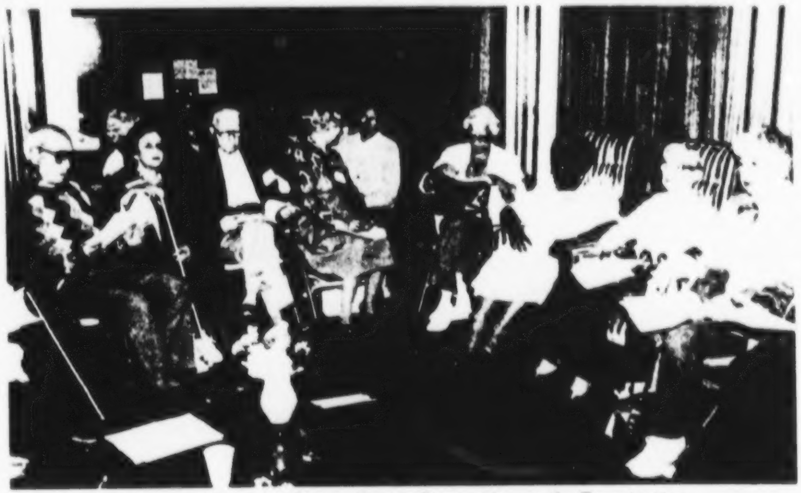
Enthusiastic Response to Adult Education Program

The Commission's Adult Education program has received an enthusiastic response from three test groups. The program has been used by an audience of senior citizens, a class of federal prison inmates, and a group of servicemen.

Working with the American Bar Association, American Association of Junior and Community Colleges, the Center for Applied Linguistics, and the National Council on Aging, the Commission developed the program to educate adults on their rights and responsibilities under the Constitution.



Adults at Martin de Porres Senior Center discuss the Constitution.

The program includes an introductory videotape and a series of booklets with readings and discussion questions on the Constitution. The booklets have been developed for people with varying levels of education.

The first test was with a group of 22 retired adults, ages 65-85. Most had low to middle incomes and were high school graduates. The pilot test was done in cooperation with the National Council on Aging and the Martin de Porres Senior Center in Alexandria, Virginia. The group participated in a two-and-one-half hour reading and discussion session on the Constitution.

Some members of the participating group used their experiences to explain what the Constitution means. An 83-year old black woman said it means she didn't have "to sit on the back of the bus and I can go to any store I want."

A 75-year old man added, "Some people take the Constitution and pick out the raisins [rights]. I tell them you have to think about the responsibilities. They have to work at it."

A second test was conducted in cooperation with the Federal Bureau of Prisons at the Federal Correction Center, Morgantown, West Virginia. Many of the twenty inmates who participated had two or three years of college education, while others had recently passed the General Equivalency Diploma (GED) test. One respondent said the discussion session had prompted him to learn more about his rights as an inmate and the rights guaranteed to all Americans.

The discussion unit dealt with the rights that all Americans, even those in prison, have under the Constitution. Members of the group were able to relate their own experiences in dealing with the judicial system.

A third test was held in cooperation with the Military District of Washington at Ft. Myer, Arlington, Virginia. Thirteen high school graduates from the 3rd Infantry (The Old Guard), ranging in age from 18 to 22, participated. A Department of Defense observer suggested that the material would also be appropriate for family programs at military installations.

Other tests are planned for advanced English As A Second Language groups and community service clubs. Recommendations from the pilot tests will be incorporated in the discussion booklets before they are released.

Camera-ready copies of teaching materials will be available to interested organizations. For information contact:

Commission on the Bicentennial of the United States Constitution
Adult Education
808 Seventeenth Street, NW
Washington, DC 20006
(202) 653-7469

Commission Project Reaches 15,000 Libraries

In January the Bicentennial Commission, in cooperation with the American Library Association, introduced a two-year public service project, *With Liberty and Justice for All*, honoring the Bicentennials of the Judiciary in 1990 and the Bill of Rights in 1991.

The 15,000 public libraries in America were invited to "become active partners in educating the American public about the American judicial system, the Bill of Rights and other Amendments, and the United States Constitution."

To assist libraries in creating public awareness programs on the judiciary during 1990, the Commission produced and distributed a brochure, containing suggested program ideas for libraries, bicentennial chronologies, lists of resources and resource organizations, and biographical information on John Marshall, *The Great Chief Justice*.

A similar brochure will be distributed in September for the commemoration in 1991, focusing on the Bill of Rights and subsequent Amendments .

In the past, the Commission has joined with the libraries on projects including the distribution of Bicentennial calendars and a Braille edition of the Constitution. Public libraries have also been active participants in commemorating Constitution Week, September 17-23.

For more information on the library program, contact:

Commission on the Bicentennial
of the United States Constitution
808 Seventeenth Street, NW
Washington, DC 20006
(202) 653-7458.

Your Bicentennial Program Can Make History

The Commission seeks your help in compiling the official record of the Bicentennial of the Constitution. To document the five-year commemoration, the Commission is preparing a history that includes activities by organizations across the country and worldwide.

While many organizations have reported on their activities, other groups have not. If your group plans or has conducted a program to commemorate the Bicentennial, 1986-1991, let us hear from you. Your contribution will become part of the Commission's permanent record to be used by succeeding generations as a guide in planning programs to honor the world's oldest written Constitution.

The postage-paid card at right may be used for reporting your activities. Please record only those activities conducted by organizations.

Constitution Bicentennial Events

Please Type or Print All Information

Type of Event: ____________________

Event Name: ____________________

Date(s) of Event: ____________________

Contact: ____________________ **Telephone:** ____________

Address: ____________________

____

Location of Event: ____________________

Details: ____________________

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If you need more space, please attach additional sheets.
Copies of photographs, flyers, brochures, and programs may be included.

Washington Behind the Monuments: The Capital City as It Was

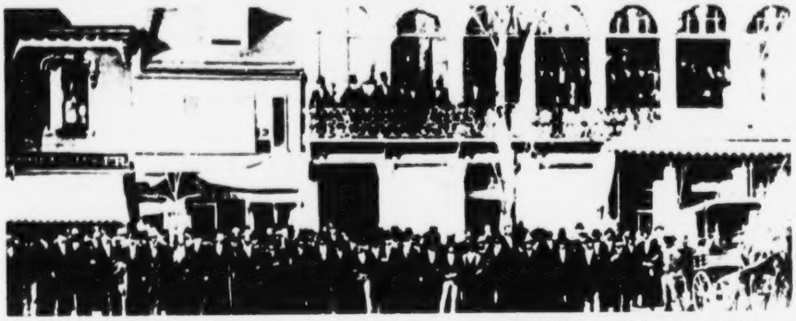

Photo Courtesy of the Library of Congress

The National Archives will open on March 30 an exhibit to acquaint visitors with the birth of the District of Columbia as the nation's capital. Called *Washington: Behind the Monuments*, the exhibit has two main sections. *The Federal City* focuses on the planning that has kept the District unique. *Washington As Home* focuses on the citizens of the District.

One of the photos (*above*) on display shows a group of black men in Washington and is captioned, National Civil Rights Convention. The story behind the convention was reported in the *Evening Star*.

From December 9 to 13, 1873, delegates to the National Convention of Colored Citizens met in Washington to demand civil rights. The *Evening Star* quoted a resolution that despite Civil War amendments "the cohorts of tyranny and the votaries of color prejudice, insult, degrade, and outrage thousands with seeming impunity."

A delegate said, "Freemen's rights shall not be limited to the white man who pays no more taxes, bears no more responsibilities, endures no more hardships, runs no greater risks, and is no more patriotic and brave than the black."

A Convention delegation met with President Grant on December 12. The President said, "I have always believed that enfranchisement and equal rights should accompany emancipation. It is unfortunate that any enactment is necessary.... I hope the present Congress will give you the relief you seek."

The convention adjourned on December 13 after delivering a resolution to Congress stating that nothing in the Constitution allows discrimination and that it is not equality to go to a prescribed school or to be tried by a jury "from which every one of the class to which the accused [belongs] is excluded because they are of that class...."

The Archives exhibit will be displayed in the Circular Gallery of the Exhibition Hall, Constitution Avenue between 7th and 9th Street NW. The National Archives is open seven days a week, 10 a.m. until 5:30 p.m. Summer hours until 9 p.m.

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808 Seventeenth Street, NW
Washington, D.C. 20006-3999

See Story on Reverse

Supreme Court Anniversary
Student Handbook

To celebrate the Bicentennial of the U.S. Supreme Court and the federal court system, the Commission and Scholastic Inc. have developed *Skills Handbooks* for elementary- and secondary-level students.

The *Handbooks* complement civics and history texts on the development and functioning of the state and federal court systems. They are intended to stimulate independent research and student projects. Reproducible skills masters, quizzes, and fact sheets are included for classroom use.

Scholastic has distributed handbooks to 143,000 teachers nationwide. A limited supply is available free through the Commission.

Handbooks on Congress and an education kit on the Presidency are also available. Please indicate elementary (3-6) or secondary level (7-12) when ordering.

Commission on the Bicentennial
of the U.S. Constitution
808 Seventeenth Street, NW
Washington, DC 20006
(202) 653-9800

To Preserve These Rights
Bill of Rights Exhibit

The Pennsylvania Humanities Council has produced a twelve-poster exhibit on the Bill of Rights. The exhibit, *To Preserve These Rights*, is designed for schools, libraries, universities, and other public facilities.

Each panel illustrates a particular set of rights with the text of the relevant amendment(s), captioned photographs, and quotations by key statesmen and jurists who have helped shape our understanding of the Bill of Rights. The panels can be mounted on three free-standing kiosks.

An educational User's Guide accompanies the exhibit. The Guide develops the themes of the exhibit, provides historical background into the development of the concept of rights and liberties, and calls attention to the importance of the judicial system in defining the rights and liberties enjoyed by Americans today. The Guide also contains classroom exercises for grades 4 through 12 and bibliographies for grades 4-6, 7-9, 10-12, and adult readers.

The Pennsylvania Humanities Council offers the poster exhibit in two forms: (1) mounted exhibit of three kiosks, each with four posters, at a cost of $150 and (2) unmounted exhibit of 12 posters shipped rolled, at a cost of $100.

For more information, contact:

The Bill of Rights Exhibit
Pennsylvania Humanities Council
320 Walnut Street, Suite 305
Philadelphia, PA 19106
(215) 925-1005

From the Gift Catalogue
Hansen Classics

Florence P. Hansen, a sculptress of international recognition, has created a fine porcelain bust of George Washington, modeled after a life-mask of the first President. Mrs. Hansen, who taught sculpture at the University of Utah and has received many prestigious awards, delights in "capturing the likeness and personality of the subject." The bust has been reproduced by her son, Chad Hansen, founder of Hansen Classics.

Washington. 10 1/2"h x 5"w x 4"d.
Item number 100-02

Hansen Classics, Ltd. has also produced *The Sentinel*, a stirring eagle bust in porcelain, sculptured by Gary Price.

The Sentinel. 9 3/4"h x 5"w x 4"d.
Item number 100-01

Each piece costs $74.95 (*postage paid*) and sits on a walnut base which can accommodate a commemorative plaque. To order, send a check or money order payable to:

Bicentennial Commemoratives
808 Seventeenth Street, NW
Washington, DC 20006

(Please indicate item number.)

We the People

Constitutional Issues Discussed in Public Forums

The College-Community Forums program brings together college faculty and community leaders to engage local citizens in public discussion of Constitutional issues. In the past, universities and colleges sponsored these public programs, but now community groups are also encouraged to take the lead in conducting College-Community Forums. The programs are funded by competitive grants awarded by the Commission.

In a recent program conducted in Danville, Virginia, members from Averett College and representatives of eight community groups planned and hosted two public forums, ten civic-group mini-forums, and two radio broadcasts on *The Separation of Powers: Invitation to Conflict, But Safeguard of Our Liberties*. The Commission awarded Averett College funding of $5,000 to conduct the program.

The two public forums were held on the Averett College Campus. The forums were open to the public and designed to encourage audience involvement. After remarks by a speaker, time was provided for audience discussion and questions-and-answers with a panel of community leaders. The forums were publicized through area newspapers, radio stations, civic clubs, colleges, and high schools.

Dr. Norman Graebner, Stettinius Professor of Diplomatic History at the University of Virginia, a noted authority on the Constitution, and the author of six books on American history, spoke at the first forum on *The Role of Congress and the President in Foreign Affairs*. The featured speaker for the second forum on *Congressional Investigations and the Presidency* was M. Caldwell Butler, former U.S. Representative from Virginia, who served on the House Judiciary Committee that investigated Watergate.

The ten mini-forums were designed for members of civic groups and those unable to attend a public forum. Five forums focused on foreign affairs and five on congressional investigations. Averett College professor of history, J.I. Hayes and Danville Community College professor, Kenneth Rorrer, served as keynote speakers for the mini-forums. Eight local civic organizations sponsored and hosted the programs.

Finally, two thirty-minute radio broadcasts reviewed the issues and discussed the points of controversy brought up at the two public forums and the ten mini-forums. These programs aired over WBTM Danville.

Colleges and universities, private organizations, and state and local public agencies, may compete for funding from the Commission through the College-Community Forums Grant Program. The Commission provides funding in the amount of $5,000 for one event and up to $15,000 for a series of events. To receive funding, community groups and colleges/universities must work in consultation with one another.

Programs should focus on the Judiciary during 1990 and the Bill of Rights and subsequent amendments during 1991. A handbook offering suggestions for organizing a forum and booklets discussing the thematic topics are available from the Commission.

Funding applications for programs beginning September 1990 must be postmarked no later than May 1, 1990. Applications for programs beginning March 1991 must be postmarked no later than October 31.

For more information or an application form contact, College-Community Forums (*address below*), (202) 653-7469.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION
808 Seventeenth Street, NW, Washington, DC 20006

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Construct and then post a chart, using the goals of the Constitution's Preamble as headings: to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty. List sections of the Constitution, current laws, community ordinances and public policy that are in keeping with these goals.

Compile a list of areas in which the United States has changed since 1787 (lifestyle, education, currency, transportation, politics, environment, technology, entertainment and ethnic composition). Construct a "Then and Now" display in the classroom or school hallway. In addition, students might play records or tapes of music from the constitutional era.

Background on the Poster. "For All Posterity", a watercolor painting done by Catherine DiMare at age 17, as part of a seminar on the Founding Fathers, taught by Richard F. Ridgway of The Benjamin School, North Palm Beach, Florida.

Draw up a list of potential problems in drafting and ratifying the Constitution and have students react to them as if they were southern delegates, northern delegates, farmers who fear export taxes, manufacturers who fear imports, etc.

Ask students to write about America's tradition of peaceful transition of power or circumstances where public opinion has changed the laws, policies or leadership of our government. Have students describe what it is about our Constitution that enables our government to withstand periods of intense challenge.

Resources on the Constitution

The following organizations have compiled annotated bibliographies, collections of lessons, periodicals and other information on teaching about the Constitution. Call or write for details on specific materials and services. Also contact your school librarian for assistance.

American Bar Association
Special Committee on Youth
Education for Citizenship
750 N. Lake Shore Drive
Chicago, IL 60611
(312) 988-5738

The Commission on the Bicentennial of the United States Constitution
808 Seventeenth St., Northwest
Washington, D.C. 20006
Available Programs & Resources:

[redacted]

The National Bicentennial Competition
The Bicentennial School Recognition Program
The Bicentennial Educational Grant Program
The National Historical/Pictorial Map Contest
Pocket-size Constitutions

ERIC/ChESS
2805 E. Tenth Street
Bloomington, IN 47405
(812) 335-3838

The Jefferson Foundation
1529 18th Street, Northwest
Washington, D.C. 20036

National Archives and Records Administration
Public Programs Division
7th and Pennsylvania Ave., NW
Washington, D.C. 20408
(202) 523-3097

National Council for the Social Studies
3501 Newark Street, NW
Washington, D.C. 20016
(202) 966-7840

Close Up Foundation
Civic Achievement Award Program
1235 Jefferson Davis Highway
Arlington, Virginia 22202
1-800-356-5136

Competitions & Contests

National Bicentennial Competition on the Constitution and Bill of Rights
Center for Civic Education
5146 Douglas Fir Road
Calabasas, CA 91302
(818) 340-9320

National History Day
11201 Euclid Avenue
Cleveland, OH 44106
(216) 368-4155

The National Historical/Pictorial Map Contest
Commission on the Bicentennial of the U.S. Constitution
808 Seventeenth St., Northwest
Washington, D.C. 20006
(202) 653-5109

AR Constitution Week Essay Contest
ocal DAR Chapter

BEST COPY AVAILABLE

- Job Descriptions for President, Justices, Congress
- "Then & Now" Changes in American Life Styles
- "You Are There" Reports, Reenactments
- Student Debates on Historical & Current Topics
- Class Constitution & Bill of Rights
- "We the People" Mural, Poster or Collage
- Year-Long Bicentennial School Programs Relevant to National Holidays and Observances

Elementary Schools

Have students draw or make different American flags that have been used throughout the past 200 years as new states entered the union; study the process by which a territory becomes a state.

On maps of the United States, color code the states that have entered the union since 1787, using the following time frames: blue to 1800, green to 1850, yellow to 1900, red to 1989.

Make a large "We the People" banner for display in the school's entry.

Invite a guest speaker for a school assembly, e.g., a judge to discuss the Constitution, a police officer to discuss Constitutional protections.

Have students interview their parents, grandparents or neighbor to find out if anyone they know has become a naturalized citizen Students should ask questions about those experiences and writ or talk about the interview.

Ask students to define "allegiance." Have them generate a lis of ways to show allegiance to a country.

Discuss what it means to be a responsible American citizen. En courage students to list different ways they can contribute to thei community, country and world. Help students organize an ac tivity that allows them to contribute to their community. For e ample, hold a food drive for the elderly or a newspaper rec cling drive.

List the freedoms guaranteed by the Constitution and the Bi of Rights. Discuss why these freedoms are important.

Organize a poster display with the theme "A Celebration Citizenship." Have students make posters depicting various righ and freedoms guaranteed to citizens by the Constitution— t right to travel feely, to be free from unnecessary governme intrusions, to be represented in court if accused of breaking t law. Other posters can be drawn describing symbols of the Unit States, such as the flag, Statue of Liberty and Presidential Se

Discuss why rules are needed in games. Review the rules o familiar game. Study the relationship between rules for a ga and the laws for government. Have students vote on whether adopt one or more new rules for their classroom. Discuss h voting is important in making decisions for a classroom, co munity or country.

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- "Then & Now" Changes in American Life Styles
- "You Are There" Reports, Reenactments
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Discuss why rules are needed in games. Review the rules of a familiar game. Study the relationship between rules for a game and the laws for government. Have students vote on whether to adopt one or more new rules for their classroom. Discuss how voting is important in making decisions for a classroom, community or country.

BEST COPY AVAILAB

Middle Schools

Have students research and note the works or discoveries of scientists, artists, writers or other individuals they feel have made important contributions to American society. Encourage students to discuss or write about the leadership qualities these individuals exemplify, the methods they used to achieve their goals and the obstacles they had to overcome. Have them describe how our system of government allows people the freedom to pursue their goals.

Have students envision what contributions they might make to American society over the next 50 years. The contributions can be in any field of interest. Encourage students to give brief talks about ways they might accomplish their goals. Then ask them to consider ways they can begin now to achieve these goals. Videotape the speeches and allow students to review the tapes.

Discuss the concept and process of free elections and the right to vote. Use the Constitution as a source for a comprehensive project on voting. Include the history of voting restrictions (poll taxes, closed primaries and property restrictions) as well as the constitutional amendments that eliminated voting restrictions (Fifteenth, Nineteenth, Twenty-Fourth and Twenty-Sixth Amendments).

Have students list the reasons why people exercise the right to vote. What percentage of eligible people vote in the United States? How does the percentage vary according to age, sex, race, religion, education or economic bracket? Have students discuss the importance of exercising the right to vote and what could happen in a democratic society if a large percentage of people do not exercise the right to vote.

Ask students to write essays focusing on one American symbol and explain what that symbol means to them personally and to society.

Invite naturalized citizens to speak to the class or a school assembly about their experiences living in other countries and in the United States; ask them to explain why they chose to become American citizens and describe the naturalization process.

Have students role-play the characters of the delegates and the arguments they put forth at the Constitutional Convention or at a state's ratification convention. Limit the performance to a discussion of a few issues: taxation procedures, balance of powers, slavery and representation.

Encourage students to prepare a chart of the leadership skills and qualifications of a good President; compare these with the backgrounds of some who have actually held the office. Note the eligibility requirements for the presidency as set out in Article II of the Constitution; note also the changes brought about by the Twentieth, Twenty-Second and Twenty-Fifth Amendments.

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Ask the librarian to collect and display books, bibliographies, pictures and other materials on the Constitution. Encourage students to read and make presentations based on their reading. For example, they might put on skits portraying the same activity under different forms of government (e.g., the attempt to pass a law). Use monarchy, democracy, dictatorship, republic, communism, etc. What are the advantages and disadvantages of each?

High Schools

Develop a set of rules to live by in a given situation – classroom, home, school, student council, or small community. Develop a document that includes a list of goals in a preamble, a set of laws and procedures for making, enforcing and amending those laws. Compare the goals of the student constitution with the goals of the United States Constitution.

Choose an issue to debate. (Examples: the electoral college vs. direct election of the President by popular vote; mandatory vs. voluntary military service or mandatory public service as an alternative to a mandatory draft.) Organize students into teams to discuss the issue in depth: they should research historical fact and current opinion that will support arguments on each side of the issue and prepare presentations of the arguments. Organize a forum with speakers and debate: invite students, candidates for political office, government officials, judges, lawyers, parents and community members to participate.

Have students find out where their polling place is located, and how they would go about registering to vote. Have students list the names of their state's U.S. Senators, the U.S. Representative from their district and the state's governor. Ask students to discuss why it is important to know who their representatives are and where those people stand on major issues.

Research the percentage of 18-to-25-year-olds who actually exercised their right to vote in the last presidential election. List reasons why people don't vote and discuss the impact continued failure to turn out at the polls might have for the country. Students should develop campaigns to increase voter turnout in future elections.

Have students define the term "democratic republic." Have students identify an issue that interests them and ways they can help formulate policy about that issue. For example, they might write letters to local officials or members of Congress; design and circulate petitions in their communities; stage peaceful assemblies; work for candidates who support the issue; or write letters to the editors of school or community newspapers.

Create exhibits that visually identify ideas contained in the Constitution, such as freedom of religion, the right to counsel, freedom of assembly, protection from unlawful search and seizure, etc.